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International Court of Justice

H1061-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

25 July 1946

COMMISSIONER:

Mr. George R. Taylor

ALLGEMEINE SA

(THE COMMISSION CONVENED AT 1000 HOURS.)

COMMISSIONER TAYLOR: We will continue the hearing of Affidavits on behalf of the Allgemeine-SA. The defense having submitted summaries of the affidavits in German and English the Commission will proceed to receive the summaries.

DR. ASCHENAUER: I have submitted excerpts from the affidavits in German and English in order to have them shown on the record. Therefore I need only summarize the affidavits as groups and now turn to Group A which includes Affidavits No. 19 to 24 inclusive and concerns itself with the purpose or the origin of the SA because of the terror of the Marxist organizations.

Affidavit by Emil Maurice. (19)

There had hardly been any political meeting of the non-Marxist parties that was not disturbed by radical leftist elements more or less and turned into riots and fist fights. In order to promote a spirit of comradeship among the men of the Ordnungsdienst they were given opportunity to participate in gymnastic and sport events. The Ordnungsdienst was given the name, "Turn und Sportabteilung"; out of this the later SA developed. Members of the "Turn und Sportabteilung" were upon occasions used as groups for protecting meetings, and thus they were able to support the relatively

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too weak Order Police. In this manner our meetings could be carried on undisturbed, together with the Ordnungsdienst and intended disturbances could be prevented.

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Emil Maurice as submitted by the defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 19 for identification.

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Affidavit by Bruno Raabe. (20)

This affidavit verifies the strength of the Leftist organizations that originally were for the development of the SA. In this affidavit it says: "The Spartakusbund, from which the so-called "Red Army," with proletarian groups of one hundred men each were developed, kindled the riots among other political reasons, for the purpose of attaining the reinstatement of the "Arbeiter - und Soldatenraete" by the Government that had been dissolved by this man Neske. However, the Left Radicalist groups continued to exist. Red Turn-und-Sport clubs developed from the Spartakusbund with so-called dispersing commandoes. It was their task to disperse meetings of political opponents and to rule the streets by force.

MR. BARRINGTON: Perhaps Dr. Aschenauer could tell us what position Bruno Raabe held.

DR. ASCHENAUER: He was an Obersturmbannfuehrer in the SA in the Province of Brandenburg.

MR. BARRINGTON: Does he state in the affidavit what qualifications he has for knowing the organization of the Spartakusbund?

DR. ASCHENAUER: Yes. Because he always lived in this district he knew about events that occurred there. All affidavits always give information that the individuals themselves personally experienced. They mention only what they have

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actually experienced.

MR. BARRINGTON: You will observe, Sir, that the summary of No. 20 goes a bit further than personal experience. It talks about the organization of the Spartakusbund and its purposes which involves some inside knowledge of that organization. I don't say the witness doesn't have that but I think it ought to be on the record that he probably is speaking of matters not of his direct knowledge.

DR. ASCHENAUER: The name Neske is mentioned in this affidavit. This man Bruno Raabe who testifies, lived in the Berlin Area and himself personally experienced any clashes between the bourgeoisie and Leftist elements and Spartakusbund and Red Front organization. Therefore he himself is personally qualified to testify as to the tasks, purposes, and aims of this organization. Anyone who lived in Germany at that time and anyone who was politically interested can give information about the setup and organization of these Leftist Groups.

COMMISSIONER TAYLOR: Does that clarify the matter in your mind, Mr. Barrington?

MR. BARRINGTON: My observation is on the record.

COMMISSIONER TAYLOR: Let the record show the objection of the Prosecution to the affidavit of Bruno Raabe and let the affidavit be marked Allgemeine-SA No. 20 for identification.

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Affidavit by Hans Zoeberlein. (21)

This affidavit in connection with the following ones, proves that the Communistic elements had spread their terroristic system over the entire Reich. In this affidavit it says, "In October 1922 I had come by special train from Munich to the German Rally of the Voelkischen Verbaende from the entire Reich to Coburg. At the station already, we were received by a crying, threatening mass of people. From the threats that I heard I gathered that we would be killed if we would take

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part in the meetings. It was impossible to reach the meeting place because this too was also besieged by a threatening mass. The inhabitants of Coburg said that they were Marxists, who had been ordered to come here for the purpose of creating disturbances and had come here by train from Thueringen. It was only possible for us to reach the meeting place in a closed group, led by the police. When we were then escorted to our billets in a similar fashion, we were attacked by all sides by the masses of idlers, who had evidently been incited to do so.

On the first of May, 1923, after the May Day celebration, I was attacked about 5:00 P.M., while on a walk with my wife and our perambulator by 20 or 30 Marxists, who cursed me although I was in civilian clothes and did not wear any badge as an SA man.

I was knifed in the back and bled heavily. Other passers by, who were indignant about this, were also beaten and threatened. Who was the attacker in the political fight, the real terrorists? It was they who got their information from the placards posted in every part of the city, on every corner and wall by the Communistic press and adhered to the slogan of hatred, "Hit the Fascists wherever you meet them."

Contrary to this propaganda of incitement, the fact is significant that we were punished if we just carried arms. I know of several cases in which SA men of my group were excluded from the NSDAP because they carried arms, although they had not made any use of them.

On May 25, 1937, a troop of the 7 SA men, with which I was, was attacked and beaten down in Munich on its way to a meeting by two to three hundred Communists and men of the Reichsbanner. The political investigation showed that the SA men did not carry any arms at all. This incident gave rise to the fact that the Bavarian Government prohibited the rally of the Reichsbanner that had been planned in Munich for the beginning of June. Numerous Communists and Reichsbanner men were convicted with penal servitude and prison sentences as a result of the trial on the Hirschmann case

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that lasted several days.

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Hanz Zeeberlein as submitted by the Defense?

MR. BARRINGTON: No objections.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 21 for identification.

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Affidavit of August Gerspacher. (22)

This affidavit proves that the terror of the Leftist organizations did not even abate in the year 1929. In this affidavit it says in the autumn of 1929 about 40 SS men of Coburg took part in a meeting in Schney near Lichtenfals. The speaker was the National Socialist Schemm from Beyreuth. Numerous adherents of the Leftist Party had assembled in the hall where the meeting was taken place. The speaking had hardly begun when the cries of "Push Him Down!" were heard, and "Kill Him." The deputy of the Landtagg Frans Klingler from Coburg who was a member of the Leftist Party jumped on to the speaker's rostrum - one of his adherents accompanied him and made the speaker fall down. This was the sign for the general attack that seemed to have been prepared on the meeting. Egg jugs, glasses and bricks were thrown on the stage where the Coburg SA men had lined up. Several SA men were injured. The rest defended themselves and threw the opponents from the hall. Klingler jumped through the window on to the street. The riot squad of the police then had been called and escorted the SA men from Coburg out of the village. In 1940 as far as I remember, it was again in the Auturmn, I witnessed the National Socialist Schwede speaking during the discussion at a Social Democrat meeting in the Hall of the Hofbrauhaus in Coburg. The calls that were interspersed by the opponents were so strong that he had to stop speaking. The National Socialists present began to sing the "Deutschlandlied." At that time, too, the official National Anthen was sung and thereupon the Reds threw themselves upon us and raged; fist fighting ensued.

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COMMISSIONER TAYLOR: Any objection to the affidavit of August Gerspacher as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR. The affidavit will be marked Allgemeine-SA No. 22 for identification.

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Affidavit of Ernst Frenzel. (23)

This affidavit proves that terror also ruled in Thueringia. In this affidavit it says "For many years the German Schillerbund had existed in the Rhineland. Within the work of this Bund the young people of German's higher school and of the German schools abroad, met every year in order to witness the Schillerbund festival plays during a period of about four weeks. At the end of every festival week the young people who participated in it paraded, carrying torches. This parade ended in a tribute of the young people to Goethe and Schiller in front of their monument. In 1918 to 1925, these processions were often disturbed and disbanded by Left Radicalist organizations. The young people, who were strangers in the town, then wandered through the city without being able to find their quarters during the night. Many participants were injured in the course of these acts of terror. Gradually protective commandoes were organized from the ranks of the local young people of Weimar's higher schools, who united themselves in student organizations in the course of time. The continued political force that compelled the young people, especially at the time of the national meeting of 1919, to participate in all social democrat festivities for the republic, included more and more young people in this student's organization. More and more, the non-local young people placed themselves under the protection of this organization because it offered the only possibility that the participants of the Schillerbund festival place, among which there also was a considerable number of young women, could be escorted safely at night to their quarters. Gradually the

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national political parties also availed themselves of the protection of this youth organization for political meetings that were continually threatened and disturbed by the leftist radical circles. More and more the Nationally minded working youth also joined this organization. When Adolf Hitler came to Weimar for the first time, I believe it was in 1926, his meetings and his quarters were protected by this youth organization. Thus, gradually the SA formed itself from this purely protective and defensive organization.

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Ernst Frenzel as submitted by the Defense?

MR. BARRINGTON: No objections.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 23 for identification.

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Affidavit of Georg Stalling (24)

Contrary to the SA, the leftist organizations possessed arms with which they carried on their terror against the SA. I quote from the affidavit. "I remember exactly how tense the political situation was inside Germany before 1933. Preparations for civil war could be recognized at many places. In the autumn of 1932, for example, five tons of explosives were stolen by members of the legal Red Front Soldiers' organization (called camoflauged "The Friends') from the quarries in Koenigsbrueck. The theft was discovered by the criminal Kommissar Mr. Roellig of the police president's office of Dresden. (Roellig was at that time member of the social democratic party.) It was further found out that the main perpetrator of the crime, Messerklinger, of Koenigsbrueck (member of the Red Front soldiers organization) made bombs and hand grenades from the explosives, and passed them on to members of the Red Front Soldiers' organization that had been dissolved for the protection of the public for the purpose of organizing an attack against the SA and its leaders. Criminal Roellig had ~~xx~~ seized and secured the weapons together with

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a fireworks expert of the police institute of Dresden. A charge was made by the Reichsgericht on the grounds of a crime committed in breach of the explosive laws through counsel of State Werner. Those concerned were sentenced on grounds of having committed crimes against the explosive laws and on the grounds of having committed an attack on the life of people who were of a different political conviction with penal servitude. One of the offenders who had been indicted along with the others by the name of Goeder of Rodeberg had already in July 1932 thrown a hand grenade through an open window into the room on the occasion of a Steelhelmet meeting in the Schuetsenhaus in Radeborg were the meeting was taking place. Fortunately the fuse did not work. In my remembrance Goeder who was in both cases convicted as the main offender was given a sentence of fifteen years penal servitude."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Georg Stalling as submitted by the Defense?

MR. BARRINGTON: Here again I would like Dr. Aschenauer to explain how the witness comes by his knowledge of the facts which he states.

DR. ASCHENAUER: This man is a native of the district where the organization called "The Friends", that is the Red Front Veterans', carried on its work in 1932. Stalling is an old SA man who entered the SA before 1932 and himself experienced these things. This is clearly shown by the fact that he speaks of an attack carried out by the Red Front in the Schuetsenhaus in Radeborg on the occasion of a Steelhelmet meeting.

MR. BARRINGTON: Subject to my comment on the probative value of this affidavit I have no further objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 24 for identification.

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~~Affidavit by George Schneider~~

BY DR. ASCHENAUER: Group B is a group of affidavits, from No. 25 to No. 36 inclusive, concerning the training, equipment, arms, and military character of the SA.

Affidavit of Georg Schneider (25)

Although the Leftist organizations were armed, the SA was not trained in a military fashion. In this affidavit it says, "Concerning the training of the SA it had contrary to the Einwohnerwehr and organization 'Bavaria and the Reich' nothing to do with a military or pre-military training. It endeavored to realize a general physical training, and strengthening of the mind of its members, so that it could cope with the tasks of meeting protection, and defend itself against the opponents who were usually armed, and also by means of propaganda on the occasion of rallies, parades, etc. This is proof that they did not want to carry out any military training, nor carried it out, because officers even of a higher rank were not used as leaders for the purpose of this training, but as political soldiers they were lined up as ordinary men along with the others.

Intentions of aggression and attack itself were always to be found on the side of the Leftist radical elements while the SA was a purely defensive organization by reason of the existing conditions. An attack would in itself have been senseless because the protection of meetings was carried out without arms, and every SA man who attended a meeting with arms was threatened with being excluded."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Georg Schneider submitted by the defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be mafked Allgemeine-SA No. 25 for identification.

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Affidavit by Rudi Abel (26)

The non military character of the SA is shown by an affidavit drawn up as two lists, one of an infantry rifle company, and the other of an SA Sturm. In this affidavit it says:

	The Infantry Rifle Company	The SA Sturm
I	Strength: 198 men	80 - 120 men
II	Division	
	1 Company chief	1 Sturmfuehrer
	1 Company troop	
	3 platoons	2 - 4 troops
	1 platoon	1 troop
	1 platoon leader	1 troopfuehrer
	1 platoon troop	
	4 groups	2 - 5 Scharen
	1 lst grenade troop	
	1 Armored gun troop	
	1 Group	1 Schar -
	1 group leader	1 Scharfuehrer
	3 machinegun riflemen	
	6 riflemen	5 - 15 men
	1 Grenade troop	
	1 troopchief	
	2 grenade throwers	
	1 Armorgun troop	
	2 armored gun riflemen	
III	Conditions of training and times	
	In barracks or always in groups	Irregular and distributed on up to seven localities according to the number of voluntary SA men available.
	Perpetual preparedness. Always full number.	Grouping only after a long period of preparation. Difficulty of transmitting orders. Number of men present due to professional prevention only 40 - 50%.
	Monthly training time. About 250 hours	About four hours by day. Six to eight hours by night. Usually in a closed room.

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IV. Arms

150 guns, model 98	On an average 5 small caliber guns.
190 Bayonets	On an average, 75% SA daggers.
36 Pistols	On an average 2 pistols 6.35 or 7.65 mm. privately owned.
9 MM	
300 about hand grenades	
16 machine pistols	About 15 Indian clubs of wood.
12 first machine guns	
3 first grenade throwers	
3 armored guns	
~~Infantry rifle company~~	
12	
10	
6 Sharpshooters guns with telescopic sight	
20 armored fists	
4 Tracer pistols	
198 spades	
Individual rifle practice grounds.	No riflestands of their own.
Combat grounds.	The sharpshooters organization placed their own practice grounds by friendly agreement at their disposal. Where there were none such there were only emergency practice grounds in large pits.
The ammunition was supplied by the Wehrmacht.	Each SA man paid for the small caliber ammunition himself.

V. Vehicles

2 combat vehicles
1 ammunition vehicle
6 infantry carts
1 food truck
1 field kitchen
1 baggage truck
8 - 10 bicycles.

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Rudi Abel as submitted by the Defense?

MR. BARRINGTON: Since it is only a summary I have no objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 26 for identification.

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12
190
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Affidavit by Heinrich Crefeld (27)

The signal sturms were non-military in character too. The affidavit contains the following important sentences: "Aside from the normal SA duties, sport, collective actions, rallies, etc., it was the task of the Signal SA to train its members technically. Intent and purpose of this training was to be able to help party and authorities on the occasion of large sport festivals and rallies (lst of May,) as well as in any catastrophies in the communication of information. There was no wireless service because the SA did not have any broadcasting license. Wireless was strictly forbidden by the superior SA leadership. Therefore, no apparatus was available for wireless. The SA also did not have any carrier pigeons. The technical work concerned itself with the training in the construction of telephones and telegraph service, as well as with carrier dogs that were privately owned up to 1938. Beginning with 1938 the technical service was extended by means of the signal certificate by sending and receiving of Morse codes. Because of a lack of technical apparatus and listening rooms very unsatisfactory results were attained in this field up to 1939.

The SA group Nether Rhine supplied us with the technical apparatus and table. The apparatus was old fashioned and defective and without energy sources, so that private means had to be raised in order to be able to carry out any practical work at all. The technical training of the SA men failed first because of the insufficient and poor apparatus, second, because of a lack of time needed for a technical training.

For these reasons that were especially known to the Wehrmacht officers, the service command refused to muster as SA men with a signal certificate or technical training for a signal unit. This was known to the SA members."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Heinrich Crefeld as submitted by the Defense?

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MR. BARRINGTON: No objections

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 27 for identifications.

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Affidavit by Dr. Wilhelm Seydler (28)

In the naval SA too training was non-military in character. I quote: "Its members were recruited for the greater part from members of aquatic sport clubs or of people who had a love for aquatic sports. By far the majority of the Naval SA men were not in the party. Work in the Naval SA was of a purely sport character and had to be carried out in a strongly de-centralized manner, as the storms extended to a very large territory and could only be organized to united events with difficulty. The course included especially the following: rowing, sailing, swimming, life-saving, riding and steering of life saving manuevers, handling of ropes, knots, repair and painting of boats, throwing of ropes, flagging and morse code, water route regulations, carrying of lights, regulations of passing, compass training, first aid, especially concerning life-saving. On the coast the Naval SA units were regularly employed in life-saving, working in close cooperation with the internationally known organization for saving of shipwrecked persons. Besides this, all forms of land sports and shooting with small caliber guns was carried on .

The aquatic subjects were taught by means of text books that had been edited decades ago by German sailors and other aquatic organizations and used by them.

Accordingly the equipment of the naval sturms also consisted of materials needed to carry on such a sport, row-boats, sail boats, motor boats, life savers, life saving buoys, rope, lassoes, flags, morse land, compasses, scaffolds, balls, etc. Every sturm used about one to five small caliber guns called shooting sport that had no military value at all. Aside from some small caliber pistols borne by

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individual SA fuehrers and which were their personal belongings, these units had no arms at all. A training with arms in a military sense did not take place at all.

The aquatic training with the Naval SA man cannot be compared in any way with the military training of the War Navy. Service in the Naval SA was directed towards aquatic efficiency while the service in the War Navy specialized itself after a short general training in more than twenty years of training.

Neither several years membership to a Naval SA unit nor attendance at a Naval SA school, which usually lasted two to three weeks, was evaluated as preparation for the war navy.

The head of the Reich school in Kiel was not a graduate of the war navy but of the merchant navy and had formerly been head of an aquatic sport training school.

It only happened rarely for an SA man to join the war navy. As the war navy was recruited, especially among young volunteers, but the Naval SA accepted only men over eighteen years of age, this alone was reason for the fact that entry of the SA man into the war fleet was restricted to very individual cases.

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Dr. Wilhelm Seydler as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 28 for identification.

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Affidavit by Karl Gerngross. (29)

The Naval SA also did not have any old Kaempfer that carried out these original aims of the SA. I quote from this affidavit. "In this Sturm there was not a single-so-called old Kaempfer, that is, a man who belonged to the SA before 1933. I myself had been a member of the Catholic Youth movement, almost all of whose members either entered the SA or the Hitler Youth. It also is a fact that

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not a few former Communists belonged to the Sturm."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Karl Gerngross as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 29 for identification.

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Affidavit by Wolfgang Gutekunst. (30)

The pioneers or the Pioneer Sturms were non-military in character. I quote from this affidavit: "Participation of these people was very irregular because the rural craftsmen usually had to carry out their farm work on Sundays. The participation of the individual in doing duty had to be treated correspondingly loyal. Service itself could be said to have been harmless in every respect. During our duty we occupied ourselves with the building of emergency bridges. Hereby one has to consider that we had no building material of our own that had been the property of the SA. We also used our own tools which was property of every individual SA man. We were also employed to help during the harvest, to carry out drainage work, and similar work necessary in agriculture. Once in a while we had also had a home evening. We also rode. Our duty was carried on without arms. We only had four small caliber guns which were used now and then for pure sport, aiming and shooting exercises. Neither I nor the members of my Sturm had individually or as a group carried on military maneuvers with a troop unit of the Wehrmacht. We never thought and I never instructed my SA people to the effect that the National Socialist leaders intended to attack another state. Most of the people of my Sturm had lived through the time before 1933 with unemployment and doubts concerning the further employment in their firm. I had no occasion to do so, but on the other hand it would have been completely senseless to speak with farmers and craftsmen

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about such a subject. My people would have rejected completely any such train of thought. Service with the SA did not help the SA man to procure advantages in the Wehrmacht. Of the 100 or 120 members of my Pioneer Sturm only one single one was recruited for a pioneer troop. My training concerned the following points as to philosophy of life:

1. I asked the SA men to help one another as comrades regardless of any possible personal differences of opinion, saying that every one would have to take the part of every one else.

2. As to the racial laws I taught my people that they should not let themselves be influenced when selecting the woman they intended to marry by money but rather by the health and character of the woman.

3. I suffered no lie and told the people to be truthful. I neither opposed the Jews nor incited others against them. We never took any part in actions of any kind against the Jews, nor have we ever received any order or request by our superior office to do so. We also did not repeat any such order on the 9th or 10th of November 1938.

Members of our Sturm were not asked to withdraw church membership nor was propaganda for this made. There was in my Sturm, among others, one member of a church community council. We never felt ourselves restricted in our religious freedom of thought in connection with our SA membership, not even in the very slightest degree."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Wolfgang Gutekunst as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 30 for identification.

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Affidavit by Carl Heinz Michels. (31)

The special training of the engineers also was neither premilitary or military. I quote from affidavit:

1. The special training which the SA engineers received besides the regular SA training was for the following reasons:

a. For use during catastrophies (for instance, fire fighting, aid during mine accidents, traffic accidents, water accidents, etc.)

b. The construction of buildings for party demonstrations (for instance, building of bridges, reviewing stands, road blocks during Gau Party Days, Kreis Party days, and similar occasions.)

c. For carrying out of other duties where technical experts were needed. (For instance, for demolitions for the salvaging of materials, for building of relief projects, such as SA settlements, national socialistic welfare settlements, etc.)

d. Professional training of SA men as experts (for instance, training of miners and stone quarry workers to be demolition experts, and the carrying out of training schools for welders and tailors, etc.)

There was an order by the Group Engineer leader from the year 1934 or 1935 whereby SA engineer units were to make special catastrophe plants in order to insure the fastest and best use of the SA.

2. The materials available to the SA engineers for training purposes were not sufficient or suitable for even a premilitary training. It was forbidden expressly to use anything but civilian training material, an order which brought about a complete separation from the military field. Examinations such as for instance the examination of demolition experts were carried out by the responsible civil administration.

3. Just how little regard was given the SA engineer certificate, which was introduced in 1937 or 1938, is proved clearly by the fact that upon drafting into

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the Army this certificate was virtually not considered at all. The military circles drafted the people to the various branches of the Army according to entirely different principles."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Carl Heinz Michels as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let this affidavit be marked Allgemeine SA No. 31 for identification.

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Affidavit by Heinrich Hohm. (32)

The schools of the chief of the education system also do not in any way show the military character as it is seen by the prosecution. I quote:

"The schools of the chief of the education system.

1. The schools were occupied by about 250 to 300 persons, taking four-week courses which were later increased to six-week courses.

2. Goal: To receive the SA sports badge, selection of usable teachers for the various occupation and examination certificates.

3. Teaching Plan: Basic training for formal drills as far as it was necessary for an entire unit. Early morning sports, medicine ball, the official training for the sports badge, small caliber rifle firing, ideological eduction (world, race and home education, explanation of sexual matters, the healthy marriage,) furthering of comradeship.

4. Relation to the SA: Office of the Chief of the Education System was founded 1.10.33 as a section of the highest SA Leadership but already at the end of 1933 or the beginning of 1934 it became independent with its seat in Berlin. The relation to the SA as well as to the Army was not friendly. In 1934 the director of the Office of the Chief of the Education System, Krueger, remained in his position under the condition that he could leave the Party and SA. While

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most of the teaching staff of the schools became unemployed when the schools were dissolved in the summer of 1935, since attempts to employ these people in the Army were fruitless, Krueger entered the SS."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Heinrich Hohm as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 32 for identification.

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Affidavit by August Gies. (33)

The same is the case with the Reich Leadership Schools and the Group Schools. They were not military schools whose goal was to prepare for an aggressive war. I quote from the affidavit:

"Subject: There were the following schools in the SA mentioned in the indictment.

1. The Reich Leadership School, Munich,
2. The two Reich Schools - Vienna and Dresden.
3. 26 Group Schools.

The Reich Leadership School in Munich was intended for Standarten Leaders and men of higher rank and submitted proof of ability and for their education, also political and ideological training, sports, Army sports, hardship sports (courage examinations.)

The two Reich schools in Vienna and Dresden were intended for courses for Sturmbannfuehrers, as well as for general examination courses of Standartenfuehrers and higher, as well as the education needed to supervise the courses for the SA sports badge and Army sports badge. (Examination certificate, so-called 'P-Certificates.') With the exception of the 'hardship sports' the training was the same as the one listed above in the Reich Leadership School, Munich.

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In the 26 Group Schools 'under leaders' (Scharfuehrer) and leaders (Sturmfuehrer) were trained; they also issued training certificates for the SA sports badge (teaching certificates, so-called L.-certificates.) Also education for the fighting of catastrophies (storms, floods, fires, water breaks, fighting of insects, as for instance the Borken insect 1937 in the Taunus, the capturing of criminals, as for instance, the Berlin underground murders of 1940-1941.)

I myself have visited the following schools: In July 1936 the Group School in Mannheim for two weeks. In this case it was a 'training course.' Among the subjects taught were sports, Army sports, fighting of catastrophies, and ideological and historical questions. In February 1937 I visited the Reich Leadership School in Dresden for two weeks. In this case it was a course to obtain an examination certificate for the SA sports badge (P.-certificate.) Sports and military sports were carried out in connection with the requirements for this badge.

In none of these schools were any courses where officers of the Army participated as teachers or pupils. They were purely SA matters in order to aid the education and promotion of its own men. In none of these schools was there any talk of a planned aggressive war with the goal of destruction or of reacquiring lost colonies. As far as the Versailles Treaty, the colonies, or the 'Lebensraum' (living space) of the German people was discussed, it was a matter of fact that these national goals and wishes should not be obtained by way of force and war, but rather through peaceful negotiations.

I do not know of anything which could make the course in a leadership school a preparation for an aggressive war. I never thought that the courses could have such a goal. I can say the same for my comrades who visited the schools with me. During my activity in the highest SA leadership and otherwise, I did not have any indications that the courses in the schools were to prepare for an aggressive war."

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MR. BARRINGTON: Who is August Gies - what was his position?

DR. ASCHENAUER: He was Sturmfuehrer and was head of a Sturm up to 9 November 1934. After that he was consultant with the Supreme SA Leadership. In this function he visited the schools about which he has written this affidavit.

MR. BARRINGTON: Was he involved in the educational organization of the SA?

DR. ASCHENAUER: He was trained as such. Any man in the SA who was given an educational task was trained in one of these schools. He is therefore qualified to speak as to how he was trained in these schools on questions of education.

MR. BARRINGTON: Am I right in understanding that he was only a student and not one of the organizers?

DR. ASCHENAUER: That is not quite correct. In order to become an organizer he first had to be a student and after this training he was such an organizer.

MR. BARRINGTON. Thank you. No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 33 for identification.

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Affidavit of Carl Hofkofler (34)

The Austrian SA also only carried out military sports. I quote from the affidavit: "All SA men coming from Austria were pooled in the Austrian Legion. There we had basically a military sports education.

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Carl Hofkofler?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 34 for identification.

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Affidavit by Richard Owe (35)

That the SA did not have any military training is proved by the following statements: "I participated in the last World War as an officer; from 5 September 1939 to 1 July 1941 I led a replacement battery, the II Replacement Battery, Artillery Regiment 24. There I trained about 2500 recruits of which half came from the SA and which came from all areas. I thereby found out that these men were lacking even the basic principles of a military training."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Richard Owe? as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 35 for identification.

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Affidavit by Otto Barthold (36)

The training in the SA was a continuation of the work of the Reich Board of Youth Training. I quote from the affidavit:

"I declare that in November 1932 I participated in the first course of the Reich Board for Youth Training in Camp Gaenseweg, Munsingen/Wuerttenberg. The Reich Board for Youth Training was created to a degree by the Reich Government in the year 1932. Besides SA members, members of the Reichsbanners, the Stahlhelm, and other non-national socialist youth organizations participated. The training in the courses of the Reich Board for Youth Training were almost exactly the same as the requirements for the SA sports badge which was later carried out and which became the basis for the SA service."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Otto Barthold as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 35.

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~~affidavit~~

DR. ASCHENAUER: The affidavit that will now be submitted, No. 37, is Group C, and concerns itself with the topic of Reich Leadership School.

Affidavit by Rudolf Stange (37)

The Reich Leadership School did not carry out an education which required hatred of religions and races, and the hatred of racial Germans. I quote: "I declare that in this course for Standartenfuehrers it was pointed out several times that it would not agree with the duties and goals of the SA if religion, race, and foreign political questions were discussed or even taught; therefore, it was robidden to discuss these matters or to permit discussions of these matters. As far as religion was concerned, anyone within the SA could do as he pleased and he would not be hindered in any way. To discuss race questions is not the duty of the SA. For that other institutions of the NSDAP had been created, and foreign policies were directed solely by the Fuehrer."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Rudolf Stange submitted by the Defense?

MR. BARRINGTON: No objections.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 37 for identification.

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DR. ASCHENAUER: The next group of affidavits, Group D, treats of the topic SA and War Preparation and includes affidavits 38 to 41 inclusive.

Affidavit by Albert Hauber (38)

The SA did not intend an aggressive war. I quote from the affidavit from which it is evident that persons which predicted a revenge war were excluded from the SA upon the request of the highest leadership. "In the village of Lindach, the Sturmfuehrer, Scherer, led the SA Sturm in 1933. Several SA men reported to me that Scherer carried out his training almost purely on a military basis and that he

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talked repeatedly of a 'war of revenge.' Since I as an old Party member knew that Hitler did not wish that and that it was forbidden by the SA leadership, I entered this SA Sturm disregarding my wounds from the War in order to check on the truth of this report personally. After I had found out that the reports of the SA men were actually correct, I made report concerning this matter to Sturmbannfuehrer Meyer in Schwaeb. Gmuend, and to the responsible Kreisleiter. Thereupon, Scherer was immediately relieved of his duty."

MR. BARRINGTON: I object to this affidavit. I submit that it is a case of merely personal defense as to what this particular leader did in a certain case. All he is really saying is that he himself knew that Hitler did not wish the SA to be [redacted] trained in an atmosphere to aggressive war, which piece of evidence does not take the matter any further at all.

DR. ASCHENAUER: May I say something to this? I am not quite of the opinion of the prosecutor for if he would turn to the last two sentences he will notice that it is general and not only personal. It says "After I had found out that the reports of the SA men were actually correct, I made report concerning this matter to Sturmbannfuehrer Meyer in Schwaeb.Gmuend, and to the responsible Kreisleiter. Thereupon Scherer was immediately relieved of his duty." If a report is made an expulsion can take place only on the basis of general directives. This proves that here we are not concerned with an individual case.

COMMISSIONER TAYLOR: The objections of the Prosecution to the affidavit as submitted will be noted and the affidavit will be marked Allgemeine-SA No. 38 for identification.

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Affidavit by Dr. Busse. (39)

This affidavit shows that Lutze rejected aggressive war. I quote: "From 1931 until 1937 I was honorary SA physician. My last rank was that of a medical Brigadefuehrer in Hannover. There I often met the then Chief of Staff of SA Lutze and carried on numerous confidential talks with him. From these personal conversations I know that Lutze was completely removed from any war propaganda whatsoever. He did not believe that it was the mission of the SA to be trained in a military fashion or even to make a militia of it. He always bluntly rejected any such thoughts."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Dr. Busse as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 39 for identification.

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Affidavit by Gerhard Pfahler. (40)

This affidavit shows that neither a spirit of aggression in view of a war of aggression nor one of intolerance existed in the SA. I quote: "Particularly significant of the attitude of the SA is the reaction to the Tyrol and Alsace-Lorraine question (among others also the declaration of Hitler after the Saar Plebiscite that now he had no further territorial claims on France;) immediate and energetic prohibition of all discussions concerning Tyrolese and Alsacian questions wherever such discussions kindled up; emphasis of the fact that in this case the sacrifice was a foreign political one, that had to be made in any case for the sake of European peace. As a result all discussions of this topic ceased within a very short time.

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2. My SA Fuehrers knew about me:

a. That in 1933 (as SA man but not as a party member) I was threatened by party members with dismissal from office and concentration camp detention while I was a commissary school counsellor at the Paedagogic Academy in Frankfurt on Main on the basis of a ~~fix~~ false report that had been made about me by Mrs. von Witzleben, whose superior I was. (Mrs. von Witzleben is still today principal of the Comenius School in Frankfurt. See enclosed report.)

b. That in 1935 as president of the University of Giessener I caused the downfall of the entire corrupt and rampant student leadership group (among them the head of students himself who was an SA Fuehrer.)

c. That, as co-editor of the magazine "Glaube & Volk in der Entscheidung" (Faith and a Nation in the Decisive Stage) (together with the Professors of Theology Bornkamm and Haenchen-Giess and Gogarten and Bayer of Leipzig) and as author of the essay "Christian Responsibility" (1934, in its appendix among others the many unjust dismissals from office of decent men -- "there are also Jews among them" -- were branded as injustices) I was exposed to various animosities of individual party-members. The censorship office of the Reichs Office for the Promotion of German Literature (either of Goebbels or Rosenberg's Department) also forbade me any further collaboration.

d. That after the appearance of my book's first edition "Why Education in Spite of Inheritance?" (Teubner, Leipzig 1935) the Office for Racial Policy of the NSDAP sent a negative criticism to all its branch offices of the Gaus.

e. ~~Xxxxxxxxxx~~ That, on the occasion of a serious attack by the then DC-Bishop Dietrich of Darmstadt (directed to Gauleiter Sprenger) made on me as president of a university and on my school of theology, I succeeded in having the anonymity cleared up and replied in no uncertain terms ('the Bishop is a liar') to the Gauleiter and the Reichsministry of Science.

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In all these cases mentioned under "a" to "e" as known to my SA Fuehrers, no SA office ever tried to interfere or called me to account by any reprimand, reproach, warning, or even threat.

In all this I have not only found again and again, within the SA and those of its Fuehrers known to me, the expression of a decent and humane attitude, but above all also the recognition of the fact that the Party and its organizations did not represent a finished and complete setup with all its members directed towards a standard scheme and this a possibly criminal aim as seems to be represented again and again by the Nurnberg prosecution in a disastrous fashion, but rather a uniting of millions of Germans for the purpose of constructing a just social order of the nation; a uniting, therefore, within which the large number of members of the most various religious, social and professional origin alone placed upon each individual as task and law of action the fight within the Party."

MR. BARRINGTON: It is my submission that Part 2 of the Summary of No. 40 is entirely a question of an individual defense. It says "My SA Fuehrers knew about me:" and then it gives five different things they knew about him personally. If this is simply meant to show what his subordinates had in the way of information to guide their own thoughts its probative value is very remote. I object to it because it seems to me it is merely personal defense of Gerhard Pfahler.

DR. ASCHENAUER: This affidavit is not a personal defense but it shows clearly what the attitude of the SA Leadership Group was to the questions now at issue before this Court. If the SA had been the terrorist organization that it is supposed to have been and if it had involved the personal convictions and free will of its members, then Gerhard Pfahler would have had to be excluded from the SA. Therefore, this affidavit shows that the SA was not an organization that put compulsion on the personal convictions of its members but an organization in which every member could think and believe what he wished. In paragraph d we are shown

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the broadminded attitude of the SA towards racial questions.

MR. BARRINGTON: I am sorry. Perhaps I was under a misunderstanding. Does Part 2 of this affidavit mean that the witness's superiors knew the following things about him, or his subordinates?

DR. ASCHENAUER: His superiors.

MR. BARRINGTON: I was wrong then in saying subordinates. I withdraw my objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 40 for identification.

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Affidavit by Erich Maier-Stehle. (41)

The affidavit shows that the Supreme SA leadership protested against misleading and incorrect articles written on the tasks of the SA. It says: "I can only testify again and again that, wherever such misleading articles appeared, the supreme SA leadership protested and very often reprimanded the author if he happened to be a member of the SA. The columnists were instructed again and again to stop such things from happening if possible. But as it always depended on the good-will of the editorial staff whether the articles submitted on a topic were handed to the SA consultant before publication or not, accidents, such as are now in 'evidence' before the Tribunal were never completely unavoidable for the Press consultant did not have a right of censorship."

MR. BARRINGTON: As it is already translated I have no objection but I submit that it has no probative value.

COMMISSIONER TAYLOR: The record will show the comment and objection of the prosecution.

DR. ASCHENAUER: May I also make a comment? This affidavit was submitted in connection with the charge of the prosecution concerning the newspaper "The SA Man."

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For this reason I should say that it has probative value.

MR. BARRINGTON: I agree with that but it seems that the affidavit only says that they objected to things which were not correct - it does not say what those things were.

DR. ASCHENAUER: These criticisms and objections are in themselves very important for if the paper "The SA Man" had been a paper of the SA, then such objections would not have been made at all. These objections and criticisms prove that it was not an SA paper and that is the point which would refute the charge of the prosecution.

COMMISSIONER TAYLOR. The objections of the prosecution to the affidavit will be noted. Let the affidavit be marked Allgemeine-SA No. 41 for identification.

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DR ASCHENAUER: The next group of Affidavits, Group E, concerns itself with the SA authorized by the Allied government in the Rhineland. This group includes only affidavit 42.

Affidavit by OTTO HAAG (42).

During the occupation of the Rhineland the SA was authorized by Allied troops in the Pfalz. This is shown by this affidavit from which I quote:

I, Otto Haag, Oberstrumfuehrer z.V., in the SA since January 1926 was present at the meeting of the founding of the NSDAP and the SA of the Ortsgruppe (local chapter) of Landau. Henceforward all discussion evenings and meetings had to be announced to the French liaison office 24 hours beforehand. His office was in the former District Command of Landau, Reiterstrasse. Up to 1928 I personally announced almost all meetings. All meetings were attended by a French supervision officer whose office was in Landau, 6 Rheinstrasse. Just as no prohibition or any complaint concerning the form or subject of the meetings was made on the part of this supervision officer, none whatsoever was also made by the occupation authorities.

COMMISSIONER: Any objection to this affidavit?

MR BARRINGTON: Yes, I object to that as being entirely irrelevant, and as being in fact an attempt to

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prejudge the question which is before the Tribunal itself.

DR. ASCHENAUER: I consider the affidavit relevant because I had submitted to the Tribunal an affidavit concerning Inter-Allied Rhineland Commission which shows that the NSDAP and SA were granted authority for the district of Cologne. Here I am submitting a similar affidavit to show that they were authorized in the French zone of occupation. If the document is allowed for Cologne it should in my opinion also be allowed for this district.

MR BARRINGTON: Yes. I withdraw my objection. My copy here is a bit blurred -- I read January 1946 instead of January 1926. I withdraw my objection.

COMMISSIONER: Let the affidavit be marked Allgemeine-SA No. 42 for identification.

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DR ASCHENAUER: The next group of affidavits says that the SA was not hostile to the Church, and includes Affidavits 43 to 45, inclusive.
Affidavit by ERNST FRENZEL (43).

The SA was not hostile to the Church. I quote from the affidavit: I myself was Fuehrer of Brigade 44 in 1937 to 1939 in Eisenach in Thueringen and testify further, in lieu of oath, that in Eisenach

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a number of leading representatives of the Church Council of the Protestant Church of Theringen were SA men. At their head Bishop Sasse himself. His position as head of the Protestant Church in Thenringen was never thrown up to him as a reproach. As a simple SA men be participated in every SA duty. Quite a number of employees of the Protestant Church Council of Thueringen in Eisenach were SA men, partly Sturmfuehrer, without their ever being reproached for their religious attitudes.

Affidavit by OSKAR ROTH (44).

The same as above applies to the non-hostile church attitude of the SA in Hessia.

I quote from the affidavit: I received knowledge of the orders issued by the Chief of Staff and by the Supreme SA leadership in my capacity as Fuehrer of Standarte 98 as well as in my capacity as member of the Staff of Group Hessia. These orders never demanded resignation of Church memberships or any other measures against the Church. It was left to each SA man personally to decide on his attitude towards the church. No difficulties were caused to Church members. As far as I know clergy who were in office belonged to the SA in the Group Hessia.

MR BARRINGTON: I have no objection to 43 or 44.

COMMISSIONER: Let the affidavit of Ernst Frenzel

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as submitted be marked Allgemeine-SA No. 43 for identification.

The affidavit of Oskar Roth, as submitted, will be marked for identification Allgemeine-SA No. 44.

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DR ASCHENAUER: Then affidavit No. 45.

Affidavit by HANS WIEGAND (45):

The course at the leader training schools of the supreme SA leadership was opposed to the withdrawal of church membership of its men. I quote from the affidavit:

In about July 1938 I was ordered to take part in a course of the leader training school of the Supreme SA leadership school in Dresden. During one of the discussion evenings a fellow student asked about the position of the SA in church questions. Above all he wanted to know what attitude the SA took to withdrawal of church membership. The answer of the teacher (name unknown) as SA Oberfuehrer was in effect, as follows:

In principle the SA did not interfere in things that did not concern her. The reason why more and more people left the church were various ones. A main reason seemed to be that it was a fashionable illness at present. This is not desired by the SA and, therefore, is not supported by the SA. If we were going to be questioned on this subject as SA Fuehrer, we should

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draw the attention of that group of men that seemed to have been taken with this illness to the fact that it would be better to have them reconsider what they are going to do a thousand rather than a hundred times. Untimate bindings to the Church and her teachings are usually deeper than the individual will often admit and probably often does not recognize beforehand. For this very reason we, as SA men, had to advise against leaving the Church.

MR BARRINGTON: No objection to 45.

COMMISSIONER: The affidavit of Hans Wiegand is marked Allgemeine-SA No. 45 for identification.

DR. LOEFFLER: (Entering the room) ... Colonel Neave told me that if you finish here we should take up the SA Riding Corps.

DR. ASCHENAUER: The SS have a few more affidavits to submit.

DR LOEFFLER: We have already had our case, and have only a few supplements to make.

COMMISSIONER: How many have they?

DR LOEFFLER: About 10 to 15 supplements, and will take about 45 minutes.

COMMISSIONER: Do you know whether the prosecution has been advised?

DR LOEFFLER: I told Col Neave, yes; or agreed with him that I would hand these in if this was finished here. This also concerns the SA.

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COMMISSIONER: We will take it up after we close this hearing.

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DR ASCHENAUER: There arises a technical difficulty as far as consecutive translation has gone. There is a translation of the appendix and of the last few affidavitsthat have been submitted, 8 or 9 affidavits in between have not been translated. Shall they be translated here orally now?

COMMISSIONER: Yes. Let's get it into the record.

DR ASCHENAUER: That is, affidavits numbers 47 to 64 inclusive.

MR BARRINGTON: Have we had No. 46?

COMMISSIONER: Not yet. 46 has not yet been taken.

DR ASCHENAUER: No. 46 is in Group "G"; and 47 to 64 have not been translated.

Group "G" treats of the SA men and SA fuehrers - that they could not know of events in the concentration camps. Shall they be translated orally now? Affidavit of GEORGE STALLING (46).

Concentration Camp Hohenstein. I quote from the affidavit: I was summoned by the Saxon Prime Minister, SA Oberngruppenfuehrer von Kollinger, to take up investigations concerning events and excesses toward the prisoners in the concentration camp Hohenstein. The camp was erected by the State in 1933 and handed over to

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the SA for guarding and administration. Arrest, however, could only be carried out by the police authorities, authorized to do so. Various inmates of the camps were severely maltreated by the guards. I did not learn of this until 1935 durin the trial before the District Court in Dresden. I don't remember the crimes in detail but still know exactly that they had not been ordered by the SA Leadership. They were the work of the political leadership in Saxony. I can further testify truthfully that Obergruppenfuehrer von Killinge who lived in rather tense relationship with the political leaders of Saxony, handed the matter over via the Supreme SA Leadership to the regular courts when he was informed of the excesses in Camp Hohenstein. He made the SA administration and guards responsible and had legal investigations made which resulted in severe penal sentences for the SA men and fuehrer. As far as I remember the camp commandant, SA Obersturmbamfuehrer Jaennige, received a sentence of six years' penal servitude, and his representative Oberstumfuehrer Friedrich four years. The Court files of District Court Dresden give proof of this.

COMMISSIONER: Any objection to this affidavit?

MR BARRINGTON: No, no objection to it.

COMMISSIONER: Let the affidavit of George Stalling be marked Allgemeine-SA No. 46 for identification.

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COMMISSIONER: I understand you have 55 affidavits all together, is that right?

DR ASCHENAUER: There are 73 in all, including the ones we took yesterday.

COMMISSIONER: 73 in all.' That means how many more to submit?

DR ASCHENAUER: 47 to 64 have not been translated yet.

COMMISSIONER: I think you told me yesterday you only had 55.

DR ASCHENAUER: 55 more. We had 19 yesterday. We have 55 more affidavits. Of this 55 we have taken 28.

COMMISSIONER: Go ahead and give us No. 47.

DR ASCHENAUER: No. 47 by ERNST FRENZEL (Thueringen). I quote from the affidavit: Within the sector of Thueringent group there was the Concentration Camp Buchenwald. The SA was never called upon to have a hand in the erection or guarding of thisconcentration camp. On the contrary, every SA man and every SA fuehrer was strictly forbidden to enter Concentration Camp Buchenwald. The SA was never permitted to carry out any single arrest, to say nothing of handing people over to the Concentration Camp.

MR BARRINGTON: No objection.

COMMISSIONER: Let the affidavit be marked Allgemeine-SA No. 47 for identification.

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H1061 - 0039

DR ASCHENAUER: Affidavit No. 48 submitted by Hans Zoeberlein (Oberbayern). It speaks of the inspection of the concentration camp Dachau and of having the impression that everything was quite in order there. I quote from the affidavit: In England there is an organization of veterans of the first world war called the British Legion. The chairman of this Legion travelled at the invitation of the German Front Soldiers organization in Germany in May 1935. At the reception in the Town Hall in Munich, where I sat next to Federston Godley he said to a question of mine concerning any further wishes of the delegation, "The English press writes that we will be showing everything in Germany but not the Concentration Camp Dachau." I reported this to the Bavarian Minister of the Interior Gauleiter Wagner, who was present, and from him got the permission for an immediate visit of the delegation to the Concentration Camp Dachau. We left immediately. The English delegation and I as the sole companion in order to reach Dachau as a surprise and before the otherguests. There the guard had not as yet been informed of our authorized visit, the camp commandant had to be called first and was surprised when I presented to him the written permission of the Minister of the Interior for this sudden visit that had not been announced. The English guests

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asked for complete freedom of movement without being accompanied by anyone in the camp. And also to be able to ask questions of the inmates of the camp. This was allowed and the guards inside the camp were recalled, and only the outer guards were still left. I was quite surprised about this magnanimity of the camp commandant, because this was the very first time I myself was in Dachau, about which I had heard the most contradictory things. The first building that the Englishmen wanted to visit was the kitchen, which, because it was Sunday afternoon, was closed. The head of the kitchen, who was called, then showed us a modern kitchen with cooking and frying installations, the butchery in which were slaughtered calves, pigs, and parts of cattle....

MR BARRINGTON: May I interrupt. I don't see what this has got to do with the SA.

COMMISSIONER: I think it is all surplus so far, and I don't think it is material to the defense. I don't see why you want that summary in the record. It is not a summary, and is immaterial, in my opinion.

DR ASCHENAUER: In my opinion this affidavit is material because I show in this affidavit that although the prosecution says conditions as they were in the SA should have been known to individuals and groups, the higher leadership groups did everything in their power to deceive individuals and groups concerning true

H1061-0041

conditions in the concentration camps; and referring to the order of the 13th of March 1946, paragraph 6a, No. 3, I believe that this affidavit is material. I should like to call to your attention that yesterday the affidavit that I submitted by Heussler concerning non-knowledge of conditions in concentration camps was allowed me by the prosection.

COMMISSIONER: What year does he make his affidavit; what year does he refer to?

DR ASCHENAUER: 1935.

MR BARRINGTON: What Dr. Aschenauer says may be all right, but it does not appear from the affidavits so far that they were trying to deceive the SA -- they were trying to deceive the leaders of the British Legion.

DR ASCHENAUER: That may be true in part, but in this case the British Legion was the guest of the SA, and was introduced to Dachau.

COMMISSIONER: How much more is there to that summary, please?

DR ASCHENAUER: About ten more lines.

COMMISSIONER: Go ahead and complete it, then.

DR. ASCHENAUER: There were refrigerators in the room. Next to this were pantries with the sausage rooms and refrigerators. Guests tasted the various kinds of sausages and interested themselves in the smallest details of the prisoners' diet. They wrote down and

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made notes of the size of the servings and the weight, and everything and leter assured, or made certain, that the suppers that had been distributed were of the same good quality as the samples that they had taken in the kitchen. The guests took their tasks very seriously. Of course, they asked the prisoners repeatedly about their opinions concerning food, and so they talked among themselves and said that no complaints had been made contrary to the claims in the press. After the kitchen was inspected the newly erected workers workshop was inspected. This was a building t hat had been supplied with numerous machines necessary for carpentry and mechanical workshop.

COMMISSIONER: Dr. Aschenauer, let me ask you this question. Does your summary follow the same form of proof that you have so far submitted?

DR. ASCHENAUER: There are some things concerning work.

COMMISSIONER: Did they visit any of the cells or persons, that would be material here to the defense. So far what you have said here in this long extended summary is not material, is not necessary to the defense of the organization.

DR. ASCHENAUER: The whole camp was visited and inspected; also as well as the individual cells where inmates were quartered. This man is not a lawyer, and only a lawyer can be expected to write an affidavit....

H1061-0043

COMMISSIONER: I didn't ask that. That is all superfluous; and it is not necessary for you to make explanations about the affiant's ability as a lawyer. You are supposed to have your affidavits properly prepared to submit to the Commission, in summarized form.

DR ASCHENAUER: As far as I know, as refers to Group 2 we are not allowed to present the affidavits in a summarized form, but we are supposed to quote excerpts and passages, and I have to present them verbatim. Summary affidavits are only allowed as applies to affidavits which are to be submitted for translation.

COMMISSIONER: I am sure you misunderstand what the Commission has said to you. The Commission advises that you submit the affidavit, and be prepared to give the Commission a summary of the affidavit. In other words, the contents of t he affidavit in summarized form. Here you dictated practically the entire affidavit. If you have any more of them it is advised that you follow Colonel Neave's suggestion on the submission of them to the Commission. But you may go ahead with these now.

DR ASCHENAUER: ..... Work was voluntary but the barracks were not sufficient to take up al l those looking for work. A communist known to me by the name of Freiberger from Munich was head of the workshops. He admitted that aside from the fact that he did not have

H1061-0044

any personal liberty he did not miss anything in the camp. On Sundays there was no work. Then we went to the cells of the inmates, that is, to the special department of those habitual criminals who were kept in detention, who were quartered according to categories, one might say. First those who had committed crimes of lust, thieves, deceivers, burglars, and drunkards. When the individual persons were asked concerning their punishments it was shown that they had been previous offenders, 20 to 60 times, for the same offenses. One of the guests said to me that he quite understood such separation of such criminals, and said that that also should be done in England. In Camp No. 2, the Concentration Camp proper, there were the political prisoners separate from the other inmates.

DR ASCHENAUER: I withdraw Affidavit No. 49.

COMMISSIONER: Let the affidavt, which you just read, be marked Allgemeine-SA No. 48 for identification. And the objections of the prosecution to the affidavit will be noted.

For the purpose of the record, Dr. Aschenauer, was the underscoring appearing in pencil and red pencil inserted by the defense counsel after the affidavits were executed?

H1061-0045

DR ASCHENAUER: The underscorings are made by myself.

COMMISSIONER: I just wanted it shown in the record.

DR ASCHENAUER: I withdraw No. 49, affidavit by Werner Stoehr. I should like to suggest that we continue this tomorrow because I have to go now to a document discussion or conference. Then the rest can be translated in the meantime.

COMMISSIONER: How many more affidavits are there?

DR ASCHENAUER: About 19 more.

COMMISSIONER: Let me make this announcement: That the Tribunal has requested that we complete these affidavits by Wednesday of next week, and unless the defense attorneys have their affidavits in proper form ready to submit so that we can complete, it will be impossible for the Commission to proceed. We can't just drag along from day to day and keep continuing the presentation of these affidavits.

DR ASCHENAUER: It would only mean one day.

COMMISSIONER: Let the record show that Dr Aschenauer requested that he be permitted to withdraw from the hearing of these affidavits at this time, and upon his own request the Commission grants permission.

DR ASCHENAUER: And when shall we continue?

H1061 - 0046

COMMISSIONER: Should the Commission have time to receive and hear the rest of the affidavits the Commission will notify you.

DR. ASCHENAUER: Then I should like to withdraw my application. And I should like the Commission to declare a recess so that I may inform the people in the Document Conference that I shall not be present.

COMMISSIONER: Very well, the Commission recesses for ten minutes.

* * *

H1061 - 0047

DR. ASCHENAUER: This next Group "H" concerns itself with the 9th of November, 1938.

The first affidavit No. 51 was submitted by MX Eugen Dietrich of Stuttgart. I quote from the affidavit:

I know that each Fuehrer of a SA unit was informed as to the order of the Chief of Staff prohibiting any one to take action against the Jews as of the 9th ahd 10th of November, 1938.

MR. TAYLOR: Any objection to the affidavit?

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 51 for identification.

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DR. ASCHENAUER: The next affidavit, No. 51, was submitted by Emil Dorn of Aachen. I quote from the affidavit:

In the same day an order of the Chief of Staff, Lutze, was handed out by telephone that it was strictly and most severely forbidden to participate in excesses against the Jews and Jewish property. Two or three days later two SA members are supposed to have taken part privately on an attack on a Jewish store. They were sturmfuehrer Katzgrau and Obertruppfuehrer Cremer. At the order of the brigade they were arrested immediately and handed over to the SD and their expulsion from the SD was applied for and both of them were thereupon expelled from the SA. I do

H1061-0048

not know, however, whether they were punished further.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General/SA No.51 for identification.

****

DR. ASCHENAUER: Affidavit No. 52 by Hermann Schaefer. I quote from the affidavit:

On the 9th of November, 1938, I was in the town hall in Munich, where I, as always had to see that the broadcast apparatus that had been set up there was all right. In the course of the evening some of the gauleiters were called to the telephone. It was then that it became known that in various localities excesses against the Jews had been reported. Several higher SS Fuehrers had surrendered and the then Chief of the Staff of the SA , Viktor Lutze, I heard Lutze say: "I do not want any SA men to take part in these things, that they are unpopular and hurt the reputation of the SA."

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked SA No. 52 for identification.

****

DR. ASCHENAUER: I withdraw affidavit No. 53/~~52~~ by Oskar Roth.

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H1061 - 0049

BY DR. ASCHENAUER: The next group of documents, Group I, concerns itself with affidavits concerning SA and Jewery.

Affidavit No. 54 by Arthur Ringleb and I quote from the affidavit:

In the years 1934 and 1935 SA Standarte Neumarkt was strictly forbidden to prevent the population from buying in Jewish shops and from photographing purchasers and so on. The prohibition was exactly adhered to by the SA and other organizations. At assembly the attention of the SA man was repeatedly drawn to this order. I also remember that one of the SA men of the SA leadership was reported and punished with a prison sentence, because in spite of this prohibition of his SA Fuehrer he had written on the wall of a Jewish firm the word "Jewish Knave", because he had spoken to a Jew. He was sentenced by the court/Newmarkt to temporary imprisonment.

MR. TAYLOR: Are there any objections to the affidavit?

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 54 for identification.

****

DR. ASCHENAUER: I withdraw affidavits No. 55 and No. 56.

****

H1061-0050

DR. ASCHENAUER: The next affidavit, No. 57, Wilhelm Soehlmann of Hannover: I quote from the affidavit:

I do not want to refrain from mentioning that both before and after the seizure of power in 1933, the mobs and crowds in the larger cities broke window panes and looted stores. As concerns my standartenbereich in Hannover, I declared that upon the request of the owners the following storesand department stores were protected by means of having day and night watches that were carried out by SA men drawn up in front of them: (The stores are here named) Some of these I further declare that the owner has turned to me and asked me to protect their business houses. After law and order had returned the SA guards were withdrawn. The owners of the firms expressed their thanks to me by giving me some purchase checks for SA men who were in dire financial straits for the protection he had received.

MR. TAYLOR: Is there any objection to the affidavit?

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 57 for identification.

****

DR. ASCHENAUER: The next affidavit by Dr. Richard Dederer of Wuerttemberg, I quote from the affidavit.

H1061-0051

I never received any written or oral order of the SA that called upon us in any form to carry on acts of force or excesses against the Jews. Later in ~~XXXX~~ November, 1938, when excesses against Jewish firms occurred in Stuttgart, the SA was employed for the maintenance of order and the prevention of further lawlessness. Perhaps at that time the fact of their presence might have lead erroneously to the idea that they had been concerned. If an individual member did take part in the thing, the leadership disapproved of this severely. As far as I know no order for participation was given by the SA leadership in the burning of synagogues that I considered especially damaging. If an individual SA man did take part it was most severely condemned and forbidden by the Fuehrer of the Group Southwest, Obergruppenfuehrer Ludin of Stuttgart. I know this from members of the staff, especially mentioning the name of the Standartenfuehrer Von Kittlitz, who was interned in Befehl at that time and who should have known of such an order, thanks to his position on the staff.

MR. BARRINGTON: Did any of these recent affidavits say against whom the SA, had been taking any shots?

DR. ASCHENAUER: Against the mob and against the crowd. I submitted an affidavit yesterday to prove that in Berlin it was the Chinese communists who looted the store.

57

H1061-0052

MR. BARRINGTON: Is it stated in these particular affidavits, especially the Hannover one, No. 57?

DR. ASCHENAUER: Yes, the mob and the street crowds.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 58 for identification.

****

DR. ASCHENAUER: The next group, Group K, says that there were orders within the SA to prevent the damaging or destroying of religious cultural objects.

Affidavit No. 59 is by ~~XXXXX~~ Phillip Rolf of Oesterrich and I quote from the affidavit:

After the annexation of Austria to Germany we were informed daily/over a long/period of time, and officially before we returned to Austria, that ~~xxxx~~ among other punishments, that a sentence was placed on damaging or destroying religious cultural objects.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 59 for identification.

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DR. ASCHENAUER: Group L concerns itself with compulsory membership or the impossibility of withdrawing from the SA.

Affidavit No. 60 of Moritz Kahle of Frankfurt and Berlin, and I quote from the affidavit:

52

H1061-0053

In order to adhere to this wish to some degree I entered the newly founded sport department of the sport group Charlottenburg in July 1933, to which I had belonged since 1921 as an ordinary member and which was in July, 1933, taken over by the SA and called the Sport Sturm. I removed to Frankfurt on the Main and the local SA demanded that I enter the party. I refused and at the same time applied for my withdrawal from the SA but my application was not granted.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 60 for identification.

****

DR. ASCHENAUER: Affidavit No. 61 is by Dr. Karl Hauser of Gauting. I quote from the affidavit.

It was impossible to withdraw from the SA. One could only ask to be released. Such a request could only be based on reasons of health and with having too much work to do within the party, for instance as political leaders, as the head of the local farm association and as mayor and so on. Any one who tried to withdraw for philosophical reasons placed himself in the greatest danger. In 1934 a few young people who had asked to be released from the SA for reasons of conscience were slandered in the newspaper, the SA man, and as far as I remember, they were also threatened. In any such

H1061-0054

case any officer would have had to become involved in an official procedure against him. If any one based his application for dismissal on his health he had to present a doctor's certificate. In such cases he was not always dismissed but only given leave. At any rate he was looked at askance and had to count on considerable disadvantages.

MR. BARRINGTON: Does this man say in his affidavit how he is in a position to know these things?

DR. ASCHENAUER: Yes, he himself was taken over by the SA from the Steel Helmet, but he himself did not remain in the SA reserve but was taken over by the SA and had to remain in it and was unable to leave. He was at the same time a civil servant and for this reason he would be qualified to speak of any threatening official procedure against such persons.

MR. BARRINGTON: Is that all in the affidavit?

DR. ASCHENAUER: Yes.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 61 for identification.

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DR. ASCHENAUER: The next group, Group M, concerns itself with affidavits concerning the SA physicians' organization.

Affidavit No. 62 is by Dr. Guenther Happel of Frankfurt, and states that the SA doctors did not act

H1061-0055

against humanity. I quote from the affidavit:

I do not know to what extent euthanisia was carried out during and before the war, a subject which was very lively debated and discussed in medical circles at home and abroad. At any rate no order to this effect was sent to the regular physicians and also not to the SA physicians, and in/camps foreigners, the health of which was very often in the hands of SA physicians, were taken care of just as well as the German ones without regard for race or origin. There were even voices to be heard within the German workers groups that maintained that the foreigners were being treated better. The x-ray experiments that were carried out over a period of years were also carried out on the foreign workers as well as on the German ones. Proof of this can be given at any time. In one large engine works of the German railroads that I took care of and in which there were continually 1500 laborers quartered, only three people died within a period of three years. Among them was a Polish woman who was 84 years old, who was given her bread to eat and never asked to do any work. No single case of any epidemic disease occurred in these years.

MR. TAYLOR: Is there any objection or comment on the affidavit?

H1061-0056

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked general SA No. 62 for identification.

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DR. ASCHENAUER: Affidavit No. 63 is by Dr. Wilhelm Szyska of Schweinfurt, and concerns itself with the work of the SA physicians which was purely welfare work and unpolitical and I quote from the affidavit:

G The work of the medical fuehrer was purely welfare and non political in character. It consisted in the examination and medical care of SA members, that is, only within the SA service, not in the civilian life, in having physicians employed during assemblies and during sport occasions, further, in the teaching of first aid and in the training of suitable men as first aid men. Besides this we were also employed in catastrophies for the general public, the occasions of conflagration, floods, railroad accidents, and also all powers of jurisdiction could only be exercised over the subordinate physicians, no penal jurisdiction at all. The medical cannot be considered equal in rank to the Einsatz fuehrer. The undersigned and the witnesses mentioned can testify for 129 physicians who did not and say they never carried out any kind of political activity.

The welfare character of their work is also shown from the securing of blood donors organizations from the ranks of the SA, which was then placed at the disposal

H1061-0057

of the general public, all hospitals and military hospitals and proved exceptionally beneficial. For the support of these physicians and of the medical service, sometimes medical ~~s~~turms were created that also had to carry out only purely medical work.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 63 for identification.

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DR. ASCHENAUER: Next is Group N of Affidavits, ~~Affidavit No. 64 by Julius Ruttkowsky~~ concerning the disciplinary regulations of the SA submitted by the Prosecution.

Affidavit No. 64 by Julius Ruttkowsky of Koblenz, Chief of the Court of the Supreme SA Leadership. I quote from the affidavit:

As responsible head of the SA disciplinary jurisdiction (in representation since 1940 and definitely since April, 1941) I had as well as Chief of Staff, Lutze, who died on the 2nd of May, 1943, and also from his successor Schepmann received the instruction to carry out disciplinary proceedings completely objectively without regard for the person against criminal, dishonorable or anti-disciplinary elements.

These directives were exactly adhered to and

H1061-0058

controlled by the court of the Supreme SA Fuehrer, as well also by the subordinate courts of the groups.

While up to the year 1939 no codified regulations concerning proceedings or law were available and the proceedings were rather carried on according to general directives and regulations as well as on a basis of general service regulations, the newly founded SA trial procedure and the complaint procedure ~~xxx~~ formed since 1939 the procedure and legal basis for all trials.

According to this, the SA did not have any possibility to prosecute delinquents of any kind ~~juridicial~~ juridicially, as for example could be done by the SS and Police Courts or to a certain extent by the labor service. SA jurisdiction, as explained below, only appeared in a subsidiary or secondary manner.

While lighter cases that could lead either to a simple or stricter warning because of opposition to discipline or offense against law and order and could be punished by the Fuehrers of the units, all cases that could lead to the expulsion or penal dismissal from the SA were tried before group courts or the courts of the supreme SA Fuehrer.

The group court was competent for all cases against SA men and Fuehrer up to the rank of Haupttruppfuehrer; the court of the highest SA Fuehrer was competent for all cases from sturmfuehrer on and upwards. There was a possibility of appeal to the decision of the group courts by

H1061-0059

handing them on to the courts of the supreme SA Fuehrer. This latter possibility was done away with during the war because of the lack of personnel occasioned by the war.

The decisions made by the group courts, or by the court of the highest SA Fuehrer, became effective during the extent of the war, while in normal times they would have to be submitted by the judge for confirmation to the Fuehrer or the chief ofstaff.

Applications for making up any procedure had to be made by the judge, that is by the Fuehrer of the group or the chief of staff to the competent court.

If such an application had been received, the execution of the proceedings was taken out of the hands of the judge so that the court would be in a position to carry out the proceedings objectivelyand make legal decisions. According to paragraph 15 of the SA court procedure, the decision could be as follows: (1) a simple reprimand, (2) strict reprimand, (3) arrest, (4) penal dismissal from the SA, (5) expulsion from the SA.

After the SA court procedure came into effect, the sentencing by the arrest was immediately forbidden again as this form of punishment was against the character of the SA.

While a sentence for expulsion from the SA had as a condition dishonorable behaviour of the defender, this was not necessary for a penal dismissal. For example, concern-

H1061-0060

ing more serious offenses against law and order. Expulsion of penal dismissal from the SA had to take place if (1) a valid sentence of the party courts was at hand that had sentenced the person to be removed from the party, or (2) a valid sentence of an ordinary court, of a martial court or an administrative court, and if the case was one off dishonarary behaviour. If the latter was doubtful, the court of the supreme SA Fuehrer had to make the decision to which the courts of the group were bound.

A valid and close proceeding could be taken up again in behalf of as well as against the person convicted if after the passing of sentence undisputed facts became known that necessitated a change of sentence.

Re-admission to the SA of a person who had been legally expelled from the SA could only be carried out by applying for pardon to the chief of staff.

SA Fuehrer and men, who had been convicted according to the penal files of the competent prosecutor's office xxxxxxx because of dishonorary behaviour, had to be removed from the SA by the proper personnel division after hearings by the SA courts.

A considerable restriction in SA jurisdiction took place in 1944 by reason of the instructions of the party chancellory (Reichsleiter Bormann) according to which expulsion or penal dismissal fromthe SA could only be carried out if the party courts had previously decided

H1061-0061

this on the basis of the evidence at hand and had passed sentence to remove the defendant from the party.

This regulation was the predecessor of the final cancellation of the entire chain of jurisdiction as intended by Reichsleiter Bormann and as has been repeatedly and clearly expressed. By means of the strict, but just handling of SA court measures, the removal of criminal or unclean characters from the SA was secured and the possibility of offense was restricted to the humanly least possible degree.

There was a possibility of appeal, according to the appeal regulation against disciplinary decisions of the unit leaders, when lighter offenses against discipline and orders were concerned to the next higher disciplinary superior. The procedure for such an appeal was regulated in the appeal regulations.

MR. BARRINGTON: I want a strong objection to that. It seems to me that the last paragraph of page I is not relevant. Nobody is going to contest such an organization as the SA, and nobody did contest their very stringent measures, and it was by means of these stringent measures they kept unclean persons out of the SA.

DR. ASCHENAUER: I am not quite of the same opinion, because referring to the trial brief of the Prosecution the SA courts had been entirely misrepresented and misunderstood and confused with penal courts and

H1061-0062

for this reason I have to submit the evidence concerning the whole legal build up within the SA, as this could only be done by such a man as Julius Ruttkowsky, who was head chief of the disciplinary division. This misunderstanding is brought out by all the charges made by the Prosecution and it has to becleared up and the disciplinary~~xx~~ regulations or jurisdiction of the SA must be explained, for it might also be that the Prosecution has put all disciplinary regulations at it's disposal. This is merely and purely a counter or refutation of the charge of the Prosecution. Ruttkowsky could not be heard as a witness and, therefore, the affidavit must be submitted.

MR. BARRINGTON: I don't want to argue about it, and if Dr. Aschenauer wants it I will pass on the objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 64 for identification.

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DR. ASCHENAUER: Group O of affidavits concerns the charge of the prosecution about the relationship of the Hoheitsraeger and the SA.

The first affidavit, No. 65, is by Karl Siebel, from which I quote:

The ~~HXXXXX~~ Hoheitstraeger had the possibility to call upon the SA/~~xx~~ essentially for the following services: (A) The preparation and organizing of the execution of assemblies and rallies; (b) employment in catastrophy services: forest fires, floods, traffic accidents, life saving on the

H1061-0063

mountains and seas, (c) harvest help, (d) procuring of blood donors, (e) assisting in welfare collections, (f) prevention of damages, patrol servicesfor the prevention of fires of crops, combatting the potato bug, beetles and other animalx parasites in wood and field, (g) collection of salvage material and raw materials that could be utilized, (h) soliciting for the Hitler Scholarships, vacation for workers free of charge, (i) community work in the construction of buildings, useful to the community; settlements of war veterans and SA settlements, (k) retraining of unemployed and disabled SA men and other Germans to be employed in jobs where there was a lack of skilled labor; SA auxiliary work camps (l) participating in meetings of the Ortsgruppen.

3. The employment of the SA was applied for except for Ortsgruppen meetings at the office of the local competent SA Fuehrer. As a reule the decision as to employment, had at least to be made by the leader of a Standarte. In this connection he was bound to the general principles and orders of the Supreme SA leadership as applicable to the SA.

4. The SA was expressly prohibited to carry out any collective action that did not fall within the directives and orders issued by the supreme leadership SA on the one hand and valid laws on the other hand. This prohibition concerning voluntary actions was strictly adhered to. Any violations were either judged by the ordinary courts or the SA disciplinary courts according to the extant of the offense.

H1061-0064

7. As far as the above statements contradict the Organization Book of the NSDAP it canbe said that the Organization Book was in practice used not at all or very little as a guide, neither by the political leadership nor by the affiliated organizations. It ~~xx~~ was considered a thesis. It was in no case termed binding for the SA nor considered binding. Example, on page 356 (or 358)?it says under the heading of "Tasks of the SA: The ~~XXX~~ SA is the training and educating instrument of the NSDAP. True it is, that each part of the Party seen as a whole had retained it's own training and educational system. True it is, that the editor of the Organization Book, Dr. Ley, as well as his staff did not dream of making the SA the training and the educational instrument of the Party as a whole. Dr. Ley and his collaborators even refused any participation of the SA concerning the training institute immediately under their jurisdiction. (Ordenstragen, Labor Front, later also work groups)

MR. BARRINGTON: No objection to No. 65.

MR. TAYLOR: Let the affidavit be marked General SA No. 65 for identification.

MR. BARRINGTON: Who is Karl Siebel?

DR. ASCHENAUER: He was a high ranking brigade fuehrer.

MR. BARRINGTON: I have no objection to No. 65.

MR. TAYLOR: No. 65 has been marked, do you have a No. 66?

DR. ASCHENAUER: Yes.

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H1061-0065

DR. ASCHENAUER: I next submit group of affidavits SA and SD - Prohibition of Chief of Staff (SA) for SA members, to work for the SD.

The first one is affidavit No. 66 by Eugene Dietrich of Wurttemberg - Stuttgart, and I quote from this affidavit:

I also know for sure that a prohibition issued by the Chief of Staff of SA, to work for the SD existed. This prohibition applied to the entire SA Standarte 119, to which I belonged, and demanded withdrawal from the SA if the prohibition was not adhered to.

MR. BARRINGTON: I have no Objection to No. 66.

MR. TAYLOR: Let the affidavit be marked General SA No. 66 for identification.

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DR. ASCHENAUER: The next group, Group Q, says that the SA is politically unreliable.

The affidavit is No. 67 by Henrich Uhlenbrock, and I quote from the affidavit:

f. When the Volksturm was drawn up the Fuehrers (of companies and platoons) were not taken from the SA because it was not considered reliable.

r. Group of affidavits: employment of the SA not in the sense of an aggressive war, but rather in rendering assistance during catastrophies.

65

H1061-0066

MR. BARRINGTON: I have no objection to No. 67.

MR. TAYLOR: Let the affidavit be marked General SA No. 67 for identification.

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DR. ASCHENAUER: The next group of affidavits, Group 4, concerns the employment of the SA not in the sense of an aggressive war, but rather in rendering assistance during catastrophies.

Affidavit No. 68 was given by Hans Hack of Kuenruth and Karlrushe, and I quote from the affidavit:

No mention was ever made of any preparation for a war of aggression. Our unit practiced a lot for the prevention of forest fires, flood damages etc; We were actively employed during the railway accident 37/38 between Karlsruhe and Mannheim, where the storm helped in the salvage work of the many casualties as well as in clearing aside the debris.

Our storm was also used during the threat of floods of the Rhine near Karlsruhe. This toop saw to the evacuation of the threatened houses and the salvaging of cattle and objects that had been washed ashore.

Further employment took place on estates and farms during harvest times. The storm was also used several times to assist in the building of settlements and emergency ~~hoxjxxx~~ homes. Much help was given in Karlsruhe in connection with air-raid damages caused.

H1061-0067

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 68 for identification.

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DR. ASCHENAUER: Now we come to Division III, the appendix or supplement.

The first affidavit, No. 69, is by Hans Wendel.

Topic: The SA believed in the preservation of peace in August 1939. In the affidavit it says:

During my military service I received an invitation as SA Fuehrer to the Tannenburg celebration that had been planned for the end of August. A large number of former Tannenburg veterans from the Reich came together with their wives. They were xxxx quartered in a camp of tents under the charge of former Brigadefuehrer Fank near Tannenburg. All participants in the celebration were completely surprised by the outbreak of war, preparations for immediate removal of these people had not been made. I myself saw part of them in the Lake Steamer Station at Pillau without food and quarters before any possibility of transport to the Reich could be found for them, because substitutes for the ships seized by the Navy first had to be found. Preparation for the celebration had been carried out in their entirety because nobody had counted on the possibilities of war.

MR. BARRINGTON: I would like to make some comment. Nobody suggests that the SA had not actually been engaged

H1061-0068

in the details of planning for a celebration, but I won't object to it.

DR. ASCHENAUER: The essentials in this document is the fact that they did take part in the preparation for the Tannenburg Festival proved that they did not have any idea that a was was threatening.

MR. TAYLOR: Let the comments be noted and the affidavit be marked No. 69 for identification.

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MR. ASCHENAUER: Affidavit No. 70 by Julius Ruttkowsky:

Topic: 9th of November, 1938, punishment and expulsion of SA men. In the affidavit it says:

According to a statement of the Fuehrer of the group, Lutze, too, chief of staff, disapproved of the undertaking. SA steps were to be taken concerning against SA Fuehrer and men, whose participation in the action had been proved and who had been sentenced by special or regular courts. I remember that in connection with these measures a number of SA Fuehrer and men were removed from the SA.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavited be marked General SA No. 70 for identification.

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H1061-0069

DR. ASCHENAUER: Affidavit No. 71 by Herman Fiebing: and I quote from the affidavit:

Topic: Measures and behavior of Chief of Staff, Lutze, as senior president of Hanover, based on the 9th of November, 1938. In the affidavit it says:

From March until September, 1939, I was employed as Vice President at the Senior President's office in Hanover. Frome, Chief of Staff, Lutze of the SA was senior president at that time. He called me up on the morning of the 9th or 10th of November, 1938, from Berlin, and voiced to me excitedly and argued his disapproval concerning the excesses against Jewish firms in the province of Hanover, and commissioned me particularly to investigate such a case in Wesemuende personally. I went there immediately but was told there that the Gestapo had taken up investigation, and, thereupon demanded of the head of the Gestapo office that he hand over the material concerning events to me, referring to the personal request of Lutze to me. The head of the Gestapo office told me that he was not allowed to hand over the files in question to me by reason of a specialorder of his superior office, not even to the senior president. When I reported this, the S P was very much angered by this. He asserted that he would make use of all the influence at his command with the central office so as to bring about the conviction of those guilty in a regular trial.

69

H1061-0070

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 71 for identification.

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DR. ASCHENAUER: Affidavit No. 72 is by Kurt Plesch, and in this affidavit it says:

Concerning the night of the 9th of November, 1938, Lutze said that he had neither ordered nor given his consent to the employment of the SA. After he had found out that instruction had been issued by Munich by means of various channels that could not be controlled, he had immediately ordered the Fuehrers of the groups, as far as they could still be reached, to assume a complete negative attitude to this action. He, Lutze, opposed these interferences, as he had always done, as being unworthy of Germans, and should have liked to save the SA from this folly, as far as they received orders contrary to his will.

MR. BARRINGTON: Affidavit No. 72 is cumulative of No. 71 and similar to one, as near as I recollect, we had earlier this morning, No. 51, I believe it was.

MR. TAYLOR: Are they from the same town?

MR. BARRINGTON: They are all about Lutze and the Jewish excesses of the 9th and 10th of November, 1938.

DR. ASCHENAUER: They don't refer to the same town. No; 51 refers to Lutze and the order of Lutze in the town of Aachen. This affidavit No. 72 gives inform-

H1061-0071

ation on the question and issue in Munich. This affidavit proves the counter order, while No. 71 speaks of Lutze's meausres in the town of Hanover. Therefore, the objection that it is cumulative is not justified.

MR. TAYLOR: Let the comments of the Prosecution as to the affidavit be noted, and let the affidavit be marked general SA No. 72 for identification.

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DR. ASCHENAUER: Affidavit No. 73 is by Dr. Bruno Backhaus:

Topic: Punishment of SA men in Bielefeld for disturbing Jewish church services and removing cultural objects. In the declaration it says:

1. In the Jewish question too any application of force was rejected by my offices. When several SA men were induced by other persons who were not members of the SA, to have a hand in the disturbance of the Jewish church service in the Catholic parish house in Bielefeld 1935, I myself carried out the investigations to clarify the events and was finally supported by Party offices in my investigations. Besides, the SA men were punished within the scope of his official duty by the competent SA Fuehrer.

2. When gravestones were removed from Jewish graves, as far as I remember in 1935, in Vlotho, the SA men concenned were also called upon to answer the charges

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of their Fuehrer. Here too, sentencing took place in closest collaboration with the state penal organs similar to the cases described above in Bielefeld.

3. I also never heard that in matters of religious force or compulsion of conviction was resorted to. While I was government counsellor in Gumbinnen I carried out investigations in a proceeding in which SA men had taken part in the (left blank by Interpreter) at the behest of a third party, to such an extent that he had removed crosses and plants from graves in a protestant cemetery without having first spoken to one of the competent church superintendents there, or without having received any other permission to do so. The offenders were punished as was also the SA man by his SA Obergruppenfuehrer Schoene. The cemetery had to be put in order again by those concerned.

I myself never resigned church membership. This did not xxxxxxxx cause me any disadvantage in the SA. I was rather promoted up to Hauptsturmfuehrer and for a time lead a Standarte during the war, without having ever been aksed to withdraw from the church. I further found that the majority of Fuehrers and men in my SA units belonged to the Church.

MR. BARRINGTON: No objection.

MR. TAYLOR: The affidavit will be xxxxxx marked General SA No. 73 for identification.

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H1061-0073

DR. ASCHENAUER: The next affidavit is No. 74 by Dr. Curt Carrie:

Topic: Compulsion exerted on physicians. In this affidavit it says:

In the course of 1933, we doctors who did not belong to the party to the greatest extent, finally had to put our services at the disposal of one of the organizations, at the request of the civil government. Refusal would have meant loss of position. (Proof: Dr. Latten, former assistant physician at the surgical clinic) All my colleagues of the municipal hospitals of Dusseldorf (medical academy) therefore had to join one of these organizations as physicians.

Proof of the fact of how unpolitical we were thought, is given in that the physicians of the SA were transferred to the N S Transport Corps or to the Hitler Youth, or other formations according to the demand for doctors.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked SA No. 74 for identification.

(The Commission adjourned at 1315 hours)

The foregoing is atrue and correct transcript of Affidavits submitted by DR. ASCHENA UER, taken on 25 July 1946.

s/ Mabel A Lesser
Reporter (pp 1-30

Bio Tsi
Reporter (pp 31-46

R Cook
Reporter (pp 47-73

CERTIFIED TO : Geo. R. Taylor
Commissioner

H1061-0074

H1061-0075

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

25 July 1946.

COMMISSIONER :

Mr. GEORGE R. TAYLOR

ALLGEMEINE SA

(THE COMMISSION CONVENED AT 1000 HOURS.)

COMMISSIONER TAYLOR : We will continue the hearing of affidavits on behalf of the Allgemeine-SA. The defense having submitted summaries of the affidavits in German and English the Commission will proceed to receive the summaries.

DR. ASCHENAUER : I have submitted excerpts from the affidavits in German and English in order to have them shown on the record. Therefore I need only summarize the affidavits as groups and now turn tp Group A which includes Affidavits No. 19 to 24 inclusive and concerns itself with the purpose or the origin of the SA because of the terror of the Marxist organizations Affidavit by Emil Maurice. (19)

There had hardly been any political meeting, of the non-Marxist parties that was not disturbed by radical leftist elements more or lessand turned into riots and fist fights. In order to promote a spirit of comradship among the men of the Ordnungsdienst they were given opportunity to participate in gymnastic and

H1061-0076

sport events. The Ordnungsdienst was given the name, "Turn und Sportabteilung"; out of this the latter SA developed. Members of the "Turn and Sportabteilung" were upon occasions used as groups for protecting meetings, and thus were able to support the relatively too weak Order Police. In this manner our meetings could be carried on undisturbed, together with the Ordnungsdienst and intended disturbances could be prevented.

COMMISSIONER TAYLOR : Is there any objection to the affidavit of Emil Maurice as submitted by the defense?

MR. BARRINGTON : No objection.

COMMISSIONER TAYLOR : Let the affidavit be marked Allgemeine-SA No. 19 for identification.

Affidavit by Bruno Raabe. (20)

This affidavit verifies the strength of the Leftist organizations that originally were for the development of the SA. In this affidavit it says: "The Spartakusbund, from which the so-called "Red Army," with proletarian groups of one hundred men each were developed, kindled the riots among other political reasons, for the purpose of attaining the reinstatement of the "Arbeiter - und Soldatenraete" by the Government that had been dissolved by this man Noske. However, the Left Radicalist groups continued to exist. Red Turn-und-Sport clubs developed from the Spartakusbund with so-called dispersing commandoes. It was their task to disperse meetings of political opponents and to rule the streets by force.

MR. BARRINGTON : Perhaps Dr. Aschenauer could tell us what position Bruno Raabe held.

DR. ASCHENAUER : He was an Obersturnbannfuehrer in the SA in the Province of Brandenburg.

H1061-0077

MR. BARRINGTON : Does he state in the affidavit what qualifications he has for knowing the organization of the Spartakusbund?

DR. ASCHENAUER : Yes. Because he always lived in this district he knew about events that occured there. All affidavits always give information that the individuals themselves personally experienced. They mention only what they have actually experienced.

MR. BARRINGTON : You will observe, Sir, that the summary of No. 20 goes a bit further than personal experience. It talks about the organization of the Spartakusbund and its purposes which involves some inside knowledge of that organization. I don't say the witness doesn't have that but I think it ought to be on the record that he probably is speaking of matters not of his direct knowledge.

DR. ASCHENAUER : The name Noske is mentioned in this affidavit. This man Bruno Raabe who testifies, lived in the Berlin Area and himself personally experienced any clashes between the bourgeoisie and Leftist elements and Spartakusbund and Red Front organization. Therefore he himself is personally qualified to testify as to the tasks, purposes, and aims of this organization. Anyone who lived in Germany at that time and anyone who was politically interested can give information about the setup and organization of these Leftist Groups.

COMMISSIONER TAYLOR : Does that clarify the matter in your mind, Mr. Barrington?

MR. BARRINGTON : My observation is on the record.

COMMISSIONER TAYLOR : Let the record show the objection of the Prosecution to the affidavit of Bruno Raabe and let the affidavit be marked Allgemeine-SA No. 20 for identification.

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H1061-0078

25 JULY-IH-4

Affidavit by Hans Zooberlein. (21)

This affidavit in connection with the following ones, proves that the communistic elements had spread their terroristic system over the entire Reich. In this affidavit it says, "In October 1922 I had come by special train from Munich to the German Rally of the Voelkischen Verbaende from the entire Reich to Coburg. At the station already, we were received by a crying, threatening mass of people. From the threats that I heard I gathered that we would be killed if we would take part in the meetings. It was impossible to reach the meeting place because this toowas also besieged by a threatening mass. The inhabitants of Coburg said that they were Marxists, who had been ordered to come here for the purpose of creating disturbances and had come here by train from Thueringen. It was only possible for us to reach tjo meeting place in a closed group, let by the police. When we were then escorted to our billets in a similar fashion, we were attacked by all sides by the masses of idlers, who had evidently been incited to do so.

On the first of May, 1923, after the May Day celebration, I was attacked about 5:00 p.m., while on a walk with my wife and our perambulator by 20 or 30 Marxists, who cursed me although I was in civilian clothes and did not wear any badge as an S.A. man.

I was knifed in the back and bled heavily. Other passers by, who were indignant about this, were also beaten and threatened. Who was the attacker in the political fight, the real terrorists? it was they who got their information from the placards posted in every part of the city. on every corner and wall by the communistic press and adhered to the slogan of hatred, "Hit the Fascists wherever you meet them."

Contrary to this propaganda of incitement, the fact is significant that we were punished if we just carried arms.

H1061-0079

I know of several cases in which SA men of my group were excluded from the NSDAP because they carried arms, although they had not made any use of them.

On May 25, 1937, a troop of the 7 SA men, with which I was, was attacked and beaten down in Munich on its way to a meeting by two to three hundred Communists and men of the Reichsbanner. The Political investigation showed that the SA men did not carry any arms at all. This incident gave rise to the fact that the Bavarian Government prohibited the rally of the Reichsbanner that had been planned in Munich for the beginning of June. Numerous Communists and Reichsbanner men were convicted with penal servitude and prison sentences as a result of the trial on the Hirschmann case that lasted several days.

COMMISSIONER TAYLOR : Are there any objections to the affidavit of Hanz Zoeberlein as submitted by the Defense?

MR. BARRINGTON : No objections.

COMMISSIONER TAYLOR : Let the affidavit be marked Allgemeine-SA No. 21 for identification.

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Affidavit of August Gerspacher. (22)

This affidavit proves that the terror of the Leftist organizations did not even abate in the year 1929. In this affidavit it says in the autumn of 1929 about 40 SS men of Coburg took part in a meeting in Schney near Lichtenfals. The speaker was the National Socialist Schemm from Bayreuth. Numberous adherents of the Leftist Party had assembled in the hall where the meeting was taking place. The peaking had hardly begun when the cries of "Push him Down" were heard, and "Kill Him". The deputy of the Landtagg Franz Klingler from Coburg who was a member of the Leftist Party jumped on to the speaker's rostrum - one of his adherents accompanied him and made the speaker fall down. This was the sign

H1061-0080

for the general attack that seemed to have been prepared on the meeting. Egg jugs, glasses and bricks were thrown on the stage where the Coburg SA men had lined up. Several SA men were injured. the rest defended themselves and threw the opponents from the hall Klingler jumped through the window on to the street. The riot squad of the police then had been called and escorted the SA men from Coburg out of the village. In 1940 as far as I remember, it was again in the Autumn, I witnessed the National Socialist schwede speaking during the discussion at a Social Democrat meeting in the Hall of the Hofbrauhaus in Coburg. The calls that were interspersed by the opponents were so strong that he had to stop speaking. The National Socialists present began to sing the "Deutschlandlied." At that time, too, the official National Anthem was sung and thereupon the Reds threw themselves upon us and raged fist fighting ensued.

COMMISSIONER TAYLOR : Any objection to the affidavit of August Gerspacher as submitted by the Defense?

MR. BARRINGTON : No objection.

COMMISSIONER TAYLOR. The affidavit will be marked Allgemeine-SA No. 22 for identification.

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Affidavit of Ernst Frenzel. (23)

This affidavit proves that terror also ruled in Thueringia. In this affidavit it says "For many years theGerman Schillerbund had existed in the Rhineland. Within the work of this Bund the young people of Germany's higher school and of the German schools abroad, met every year in order to witness the Schillerbund festival plays during a period of about four weeks. At the end of every festival week the young people who participate in it paraded, carrying torches. This parade ended in a tribute of the young people to Goethe and Schiller in front of their

H1061-0081

monument. In 1918 to 1925, these processions were often disturbed and disbanded by Left Radicalist organizations. The young people, who were strangers in the town, then wandered through the city without being able to find their quarters during the night. Many participants were injured in the course of these acts of terror. Gradually protective commandoes were organized from the ranks of the local young people of Weimar's higher schools, who united themselves in student organizations in the course of time. The continued political force that compelled the young people, especially at the time of the national meeting of 1919, to participate in all social democrat festivities for the republic, included more and more young people in this student's organization. More and more, the non-local young people placed themselves under the protection of this organization because it offered the only possibility that the participants of the Schillerbund festival place, among which there also was a considerable number of young women, could be escorted safely at night to their quarters. Gradually the

H1061-0082

national political parties also availed themselves of the protection of this youth organization for political meetings that were continually threatened and disturbed by the leftist radical circles. More and more the Nationally minded working youth also joined this organization. When Adolf Hitler came to Weimar for the first time, I believe itwas in 1926, his meetings and his quarters were protected by this youth organization. Thus, gradually the SA formed itself from this purely protective and defensive organization.

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Ernst Frenzel as submitted by the Defense?

MR. BARRINGTON: No objections.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA-No. 23 for identification.

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Affidavit of Georg Stalling (24)

Contrary to the SA, the leftist organizations possessed arms which they carried on their terror against the SA. I quote from theaffidavit. "I remember exactly how tense the political situation was inside Germany before 1933. Preparations for civil war could be recognized at many places. In theautumn of 1932, for example, five tons of explosives were stolen by members of the legal Red Front Soldiers' Organizatiom (called camouflaged 'The Friends') from the quarries in Koenigsbrueck. The theft was discovered by the criminal Kommissar Mr. Roellig of the police president's office of Dresden. (Roellig was at that time member of the social democratic party). It was further found out that the main perpetrator of the crime, Messerklinger, of Loenigsbrueck (member of the Red Front Soldiers' Organization) made bombs andhand grenades from the explosives, and passed them on to members of the Red Front Soldiers' Organization that had been dissolved for the protection of the public for the purpose of organizing an attack against the SA and its leaders. Criminal Roellig had seized and secured the weapons together with a fireworks expert of the police institute of Dresden. A charge was made by the Reichsgericht on the grounds of a crime committed in breach of the explosive laws through

H1061-0083

counsel of State Werner. These concerned were sentenced on grounds of having committed crimes against the explosivelaws and on the grounds of having committed an attack on the life of people who were of a different political conviction with penal servitude. One of the offenders who had been indicted along with the others by the name of Goeder or Fodeberg had already in July 1932 thrown a hand grenade through an open window into the room on the occasion of a Steelhelmet meeting in the Schuetsenhaus in Fadeborg where the meeting was taking place. Fortunately the fuse did not work. In my remembrance Goeder who was in both cases convicted as the main offender was given a sentence of fifteen years penal servitude."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Georg Stalling as submitted by the Defense?

MR. BARRINGTON: Here again I would like Dr. Aschenauer to explain how the witness comes by his knowledge of the facts which he states.

DR. ASCHENAUER: This man is a native of the district where the organization called "The Friends", that is the Red Front Veterans', carried on its work in 1932. Stalling is an old SA man who entered the SA before 1 932 andhimself experienced these things. This is clearly shown by the fact that he speaks of an attack carried out by the Red Front in the Schuetsenhaus in Radeborg on the occasion of a Steelhelmet meeting.

MR. BARRINGTON: Subject to my comment on the probative value of this affidavit I have no further objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 24 for identification.

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BY DR. ASCHENAUER: Group B is a group of affidavits, from No. 25 to No. 36 inclusive, concerning the training, equipment, arms, and military character of the SA.

Affidavit of Georg Schneider (25)

Although the Leftist organizations were armed, the SA wasnot trained in a military fashion. In this affidavit it says, "Concerning the training of the SA it had contrary to the Einwohnerwehr and organization 'Bavaria and the Reich' nothing to do with a military or pre-military training. It

H1061-0084

endeavored to realize a general physical training, and strengthening of the mind of its members, so that it could cope with the tasks of meeting protection, and defend itself against the opponents who were usually armed, and also by means of propaganda on the occasion of rallies, parades, etc. This is proof that they did not want to carry out any military training, nor carried it out, because officers even of a higher rank were not used as leaders for the purpose of this training, but as political soldiers they were lined up as ordinary men along with the others.

Intentions of aggression and attack itself were always to be found on the side of the Leftist radical elements while the SA was a purely defensive organization by reason of the existing conditions. An attack would in itself have been senseless because the protection of meetings was carried out without arms, and every SA man who attended a meeting with arms threatened with being excluded."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Georg Schneider submitted by the defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 25 for identification.

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Affidavit of Rudi Abel (26)

The non-military character of the SA is shown by an affidavit drawn up as two lists, one of an infantry rifle company, and the other of an SA Sturm. In this affidavit it says:

THE INFANTRY RIFLE COMPANY

I Strength: 198 men
II Division
1 Company chief
1 Company troop
3 platoons

1 platoon
1 platoon leader
1 platoon troop
4 groups
1 1st grenade troop
1 Armored gun troop

THE SA STURM

80 - 120 men

1 Sturmfuehrer

2-4 troops

1 troop
1 troopfuehrer

2-5 Scharen

H1061-0085

THE INFANTRY RIFLE COMPANY (Cont'd)

THE SA STURM

1 Group
1 group leader
3 machinegun riflemen
6 riflemen

1 Grenade troop
1 troopchief
2 grenade throwers

1 Armorgun troop
2 armored gun riflemen

1 Schar -
1 Scharfuehrer

5 - 15 men

III Conditions of training and times

In barracks or always in groups

Irregular and distributed on up to seven localities according to the number of voluntary SA men available.

Perpetual preparedness.
Always full number.

Grouping only after a long period of preparation. Difficulty of transmitting orders. Number of men present due to professional prevention only 40 - 50%.

Monthly training time.

About 250 hours

About four hours by day. Six to eight hours by night. Usually in a closed room.

IV ARMS

150 guns, model 98
190 Bayonets
36 Pistols
9 MM
300 about hand grenades
16 machine pistols
12 first machine guns
3 first grenade throwers
3 armored guns
12
10
6 sharpshooters guns with telescopic sight.
20 Armored fists
4 Tracer pistols
198 spades
Individual rifle practice grounds.

On an average 5 small guns.
On an average, 75% SA daggers.
On an average 2 pistols 6.35 or 7.65 mm. privately owned.
About 15 Indian clubs of wood.

No riflestands of their own. The sharpshooters organization placed their own practice grounds by friendly agreement at their disposal. Where there were none such there were only emergency practice grounds in large pits.

H1061-0086

THE INFANTRY RIFLE COMPANY (Cont'd)

The ammunition was supplied by the Wehrmacht

THE SA STURM

Each SA man paid for the small caliber ammunition himself.

V. Vehicles

2 combat vehicles
1 ammunition vehicle
6 infantry carts
1 food truck
1 field kitchen
1 baggage truck
8 - 10 bicycles.

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Rudi Abel as submitted by the Defense?

MR. BARRINGTON: Since it is only a summary I have no objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 26 for identification.

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H1061-0087

Affidavit by Henrich Crefeld (27)

The signal sturms were non-military in character too. The affidavit contains the following important sentences: "Aside from the normal SA duties, sport, collective actions, rallies, etc., it was the task of the Signal SA to train its members technically. Intent and purpose of this trining was to be able to help party and authrotities on the occasion of large sport festivals and rallies (lst of May,) as well as in any catastrophies in the communication of information. There was no iwreless service because the SA did not have any broadcasting license. Wireless was strictly forbidden by the Superior SA leadership. Therefore, no apparatus was available for wireless. The SA also did not have any carrier pigeons. The technical work concerned itself with the training in the construction of telephones and telegraph service, as well as with carrier dogs that were privately owned up to 1938. Beginning with 1938 the technical service was extended by means of the signal certificate by sending and receiving of Morse codes. Because of a lack of technical apparatus and listenting rooms very unsatisfactory results were attained in this field up to 1939.

The SA group Nether Rhine supplied us with the technical apparatus and table. The apparatus was old fashioned and defective and without energy sources, so that private means had to be raised in order to be able to carry out any practical work at all. The technical training of the SA men failed first because of the insufficient and poor apparatus, second, because of a lack of time needed for a technical training.

For these reasons that were especially known to the Wehrmacht officers, the service command refused to muster as SA men with a signal certificate or technical training for a signal unit. This was known to the SA members."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Heinrich Crefeld as submitted by the Defense?

MR. BARRINGTON: No objections.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 27 for identification.

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H1061-0088

Affidavit by Dr. Wilhelm Seydler (28)

In the naval SA too training was non-military in character. I quote: "Its members were recruited for the greater part from members of aquatic sport clubs or of people who had a love for aquatic sports. By far the majority of the Naval SA men were not in the party. Work in the Naval SA was of a purely sport character and had to be carried out in a strongly de-centralized manner, as the storms extended to a very large territory and could only be organized to united events with difficulty. The course included especially the following: rowing, sailing, swimming, life-saving, riding and steering of life saving manuevers, handling of ropes, knots, repair and painting of boats, throwing of ropes, flagging and morse code, water route regulations, carrying of lights, regulations of passing, compass training, first aid, especially concerning life-saving. On the coast the Naval SA units were regularly employed in life-saving, working in close cooperation with the internationally known organization for saving of shipwrecked persons. Besides this, all forms of land sports and shooting with small caliber guns was carried on.

The aquatic subjects were taught by means of text books that had been edited decades ago by German sailors and other aquatic organizations and used by them.

Accordingly the equipment of the naval sturms also consisted of materials needed to carry on such a sport, row-boats, sail boats, motor boats, life savers, life saving buoys, rope, lassoes, flags, morse land, compasses, scaffolds, balls, etc. Every strum used about one to five small caliber guns call ed shooting sport that had no military value at all. Aside from some small caliber pistols borne by individual SA fuehrers and which were their personal belongings, these units had no arms at all. A training with arms in a military sense did not take place at all.

The aquatic training with the Naval SA man cannot be compared in any way with the military training of the War Navy. Service in the Naval SA was directed towards aquatic efficiency while the service in the War Navy specialized itself after a short general training in more than twenty years of training.

Neither several years membership to a Naval SA unit nor attendance at a Naval SA school, which usually lasted two to three weeks, was evaluated as preparation for the war navy.

The head of the Reich school in Kiel was not a graduate of the war navy but of the merchant navy and had formerly been head of an aquatic sport training school.

It only happened rarely for an SA man to join the war mavy. As the war navy was recruited, especially among young volunteers, but the Naval SA accepted only men over eighteen years of age, this alone was reason for the fact that entry of the SA man into the war fleet was restricted to very individual cases.

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Dr. Wilhelm Seydler as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 28 for identification.

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Affidavit by Karl Gerngross (29)

The Naval SA also did not have any old Kaempfer that carried out these original aims of theSA. I quote from this affidavit. "In this Sturm there was not a single-so-called old Kaempfer, that is, a man who belonged to the SA before 1933. I myself had been a member of the Catholic Youth movement, almost all of whose members either entered the SA or the Hitler Youth. It also is a fact that not a few former Communists belonged to the Sturm".

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Karl Gerngross as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 29 for identification.

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Affidavit by Wolfgang Gutekunst. (3)

The pioneers of the Pioneer Sturms were non-military in character. I quote from this affidavit: "Participation of these people was very irregular

H1061-0090

because the rural craftsmen usually had to carry out their farm work on Sundays. The participation of the individual in doing duty had to be treated correspondingly loyal. Service itself could be said to havebeen harmless in every respect. During our duty we occupied ourselves with the building of emergency bridges. Hereby one has to consider that we had no building material of our own that had been the property of the SA. We also used our own tools which was property of every individual SA man. We were also employed to help during the harvest, to carry out drainage work, and similar work necessary in agriculture. Once in a while we had also had a home evening. We also rode. Our duty was carried on without arms. We only had four small caliber guns which were used now and then for pure sport, aiming and shooting exercises. Neither I nor the members of my Sturm had individually or as a group carried on military maneuvers with a troop unit of the Wehrmacht. We never thought and I never instructed my SA people to the effect that the National Socialist leaders intended to attack another state. Most of the people of my Sturm had lived through the time before 1933 with unemployment and doubts concerning the further employment in their firm. I had no occasion to do so, but on the other hand it would have been completely senseless to speak with farmers and craftsmen about such a subject. My people would have rejected completely any such trainof thought. Service with the SA did not help the SA man to procure advantages in the Wehrmacht. Of the 100 or 120 members of my Pioneer Sturm only one single one was recruited for a pioneer troop. My training concerned the following points as to philosophy of life:

1. I asked the SA men to help one another as comrades regardless of any possible personal differences of opinion, saying that every one would have to take the part of every one else.

2. As to the racial laws I taught my people that they should not let themselves be influenced when selecting the woman they intended to marry by money but rather by the health and character of the woman.

3. I suffered no lie and told the people to be truthful. I neither opposed the Jews nor incited others against them. We never took any part in

H1061-0091

actions of any kind against the Jews, nor have we ever received any order or request by our superior office to do so. We also did not repeat any such order on the 9th or 10th of November 1938.

Members of our Sturm were not asked to withdraw church membership nor was propaganda for this made. There was in my Sturm, among others, one member of a church community council. We never felt ourselves restricted in our religious freedom of thought in connection with our SA membership, not even in the very slightest degree."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Wolfgang Gutekunst as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 30 for identification.

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Affidavit by Carl Heinz Michels. (31)

The special training of the engineers also was neither premilitary or military. I quote from affidavit:

1. The special training which the SA engineers received besides the regular SA training was for the following reasons:

a. For use during catastrophies (for instance, fire fighting, aid during mine accidents, traffic accidents, water accidents, etc.)

b. The construction of buildings for party demonstrations (for instance, building of bridges, reviewing stands, road blocks during Gau Party Days, Kreis Party days, and similar occasions.)

c. For carrying out of other duties where technical experts were needed. (For instance, for demolitions for the salvaging of materials, for building of relief projects, such as SA settlements, national socialistic welfare settlements, etc.)

d. Professional training of SA men as experts (for instance, training of miners and stone quarry workers to be demolition experts, and the carrying out of training schools for welders and tailors, etc.)

H1061-0092

There was an order by the Group Engineer leader from the year 1934 or 1935 whereby SA engineer units were to make special catastrophe plants in order to insure the fastest and best use of the SA.

2. The materials available to the SA engineers for training purposes were not sufficient or suitable for even a prem litary training. It was forbidden expressly to use anything but civilian training material, an order which brought about a complete separation from the military field. Examinations such as for instance, the examination of demolition experts were carried out by the responsible civil administration.

3. Just how little regard was given the SA engineer certificate, which was introduced in 1937 or 1938, is proved clearly by the fact that upon drafting into

the Army this certificate was virtually not considered at all. The military circles drafted the people to the various branches of the Army according to entirely different principles."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Carl Heinz Michels as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let this affidavit be marked Allgemeine SA No. 31 for identification.

Affidavit by Heinrich Hohm. (32)

The schools of the chief of the education system also do not any way show the military character as it is seen by the prosecution. I quote:

"The schools of the chief of the education system.

1. The schools were occupied by about 250 to 300 persons, taking four-week courses which were later increased to six-week courses.

2. Goal; To receive the SA sports badge, selection of usable teachers for the various occupation and examination certificates.

3. Teaching Plan: Basic training for formal drills as far as it was necessary for an entire unit. Early morning sports, medicine ball, the official training for the sports badge, small caliber rifle firing, ideological education (world, race and home education, explanation of sexual mattersk the healthy marriage,) furthering of comradeship.

4. Relation to the SA: Office of the Chief of the Education System was founded 1.10.33 as a section of the highest SA Leadership but already at the end of 1933 or the beginning of 1934 it became independent with its seat in Berlin. The relation to the SA as well as to the Army was not friendly. In 1934 the director of the Office of the Chief of the Education System, Krueger, remained in his position under the condition that he could leave the Party and SA. While most of the teaching staff of the schools became unemployed when the schools were

dissolved in the summer of 1935, since attempts to employ these people in the Army were fruitless, Krueger entered the SS."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Heinrich Hohm as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 32 for identification.

Affidavit by August Gies. (33)

The same is the case with the Reich Leadership Schools and the Group Schools. They were not military schools whose goal was to prepare for an aggressive war. I quote from the affidavit: "Subject: There were the following schools in the SA mentioned in the indictment.

1. The Reich Leadership School, Munich,

2. The two Reich Schools - Vienna and Dresden.

3. 26 Group Schools.

The Reich Leadership School in Munich was intended for Standarten Leaders and men of higher rank and submitted proof of ability and for their education, also political and ideological training, sports, Army sports, hardship sports (courage examinations.)

The two Reich schools in Vienna and Dresden were intended for courses for Sturmbannfuehrers, as well as for general examination courses of Standartenfuehrers and higher, as well as the education needed to supervise the courses for the SA sports badge and Army sports badge. (Examination certificate, so-called 'P-Certificates.') With the exception of the 'hardship sports' the training was the same as the one listed above in the Reich Leadership School, Munich.

In the 26 Group Schools ' under leaders' (Scharfuehrer) and leaders (Sturmfuehrer) were trained; they also issued training certificates for the SA sports badge (teaching certificates, so-called L.-certificates.) Also education for the fighting of catastrophies (storms, floods, fires, water breaks, fighting of insects, as for instance the Borken insect 1937 in the Taunus,

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the capturing of criminals, as for instance, the Berlin underground murders of 1940-1941).

I myself have visited the following schools: In July 1936 the Group School in Mannheim for two weeks. In this case it was a 'training course.'. Among the subjects taught were sports, Army sports, fighting of catastrophies, and ideological and historical questions. In February 1937 I visited the Reich Leadership School in Dresden for two weeks. In this case it was a course to obtain an examination certificate for the SA sports badge (P.-certificate.) Sports and military sports were carried out in connection with the requirements for this badge.

In none of these schools were any courses where officers of the Army participated as teachers or pupils. They were purely SA matters in order to aid the education and promotion of its own men. In none of these schools was there any talk of a planned aggressive war with the goal of destruction or of reacquiring lost colonies. As far as the Versailles Treaty, the colonies, or the 'Lebensraum' (living space) of the German people was discussed, it was a matter of fact that these national goals and wishes should not be obtained by way of force and war, but rather through peaceful negotiations.

I do not know of anything which could make the course in a leadership school a preparation for an aggressive war. I never thought that the courses could have such a goal. I can say the same for my comrades who visited the schools with me. During my activity in the highest SA leadership and otherwise, I did not have any indications that the courses in the schools were to prepare for an aggressive war."

MR. BARRINGTON: Who is August Gies - what was his position?

DR. ASCHENAUER: He was Sturmfuehrer and was head of a Sturm up to 9 November 1934. After that he was consultant with the Supreme SA Leadership. In this function he visited the school about which he has written this affidavit.

MR. BARRINGTON: Was he involved in the educational organiza-

tion of the SA?

DR. ASCHENAUER: He was trained as such. Any man in the SA who was given an educational task was trained in one of these schools. He is therefore qualified to speak as to how he was trained in these schools on questions of education.

MR. BARRINGTON: Am I right in understanding that he was only a student and not one of the organizers?

DR. ASCHENAUER: That is not quite correct. In order to become an organizer he first had to be a student and after this training he was such an organizer.

MR. BARRINGTON: Thank you. No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 33 for identification.

Affidavit of Carl Hofkofler (34)

The Austrian SA also only carried out military sports. I quote from the affidavit: "All SA men coming from Austria were pooled in the Austrian Legion. There we had basically a military sports education.

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Carl Hofkofler?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 34 for identification.

Affidavit by Richard Owe (35)

That the SA did not have any military training is proved by the following statements: "I participated in the last World War as an officer; from 5 September 1939 to 1 July 1941 I led a replacement battery, the II Replacement Battery, Artillery Regiment 24. There I trained about 2500 recruits of which half came from the SA and which came from all areas. I thereby found out that these men were lacking even the basic principles of a military training."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Richard Owe as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 35 for identification.

Affidavit by Otto Barthold (36)

The training in the SA was a continuation of the work of the Reich Board of Youth Training. I quote from the affidavit: "I declare that in November 1932 I participated in the first c course of the Reich Board for Youth Training in Camp Gaensewog, Munsingen Wuerttenberg. The Reich Board for Youth Training was created to a degree by the Reich Government in the year 1932. Besides SA members, members of the Reichsbanners, the Stahlhelm, and other non-national socialist youth organizations participated. The training in the courses of the Reich Board for Youth Training were almost exactly the same as the requirements for the SA sports badge which was later carried out and which became the basis for the SA service."

COMMISSIONER TAYLOR: Is there any objection to the affidavi of Otto Barthold as submitted by the Defense?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 35.

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Affidavits- Allgemeine SA

DR. ASCHENAUER: The affidavit that will now be submitted, No. 37, is Group C, and concerns itself with the topic of Reich Leadership School. Affidavit by Rudolf Stange(37).

The Reich Leadership School did not carry out an education which required hatred of religions and races, and the hatred of racial Germans. I quote: "I declare that in this course for Standartenfuehrers it was pointed out several times that it would not agree with the duties and goals of the SA if religion, race, and foreign political questions were discussed or even taught; therefore, it was forbidden to discuss these matters or to permit discussions of these matters. As far as religion was concerned, anyone within the SA could do as he pleased and he would not be hindered in any way. To discuss race questions is not the duty of the SA. For that other institutions of the NSDAP had been created, and foreign policies were directed solely by the Fuehrer."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Rudolf Stange submitted by the Defense ?

MR. BARRINGTON: No objections.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine SA No. 37 for identification.

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DR. ASCHENAUER: The next group of affidavits, Group D treats of the topic SA and War Preparation and includes affidavits 38 to 41 inclusive.

Affidavit by Albert Hauber (38)

The SA did not intend an aggressive war. I quote from the affidavit from which it is evident that persons who predicted a revenge war were excluded from the SA upon the request of the highest leadership. "In the village of Lindach, the Sturmfuehrer, Scherer, led the SA Sturm in 1933. Several SA men reported to me that Scherer carried out his train-

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ing almost purely on a military basis and that he talked repeatedly of a 'war of revenge'. Since I, as an old Party member, knew that Hitler did not wish that, and that it was forbidden by the SA leadership, I entered this SA Sturm disregarding my wounds from the War in order to check on the truth of this report personally. After I had found out that the reports of the SA men were actually correct, I made report concerning this matter to Sturmbannfuehrer Mayer in Schwaeb, Gmuend, and to the responsible Kreisleiter. Thereupon, Scherer was immediately relieved of his duty."

MR. BARRINGTON: I object to this affidavit. I submit that it is a case of merely personal defense as to what this particular leader did in a certain case. All he is really saying is that he himself knew that Hitler did not wish the SA to be trained in an atmosphere to agressive war, which piece of evidence does not take the matter any further at all.

DR. ASCHENAUER: May I say something to this ? I am not quite of the opinion of the prosecutor for if he would turn to the last two sentences he will notice that it is general and not only personal. It says, "After I had found out that the reports of the SA men were actually correct, I made report concerning this matter to Sturmbannfuehrer Meyer in Schwaeb-Gmuend, and to the responsible Kreisleiter. Thereupon Scherer was immediately relieved of his duty." If a report is made, an expulsion can take place only on the basis of general directives. This proves that here we are not concerned with an individual case.

COMMISSIONER TAYLOR: The objections of the Prosecution to the affidavit as submitted will be noted and the affidavit will be marked Allgemeine-SA No. 38 for identification.

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Affidavit by Dr. Busse. (39)

This affidavit shows that Lutze rejected aggressive war. I quote: "From 1931 until 1937 I was honorary SA physician. My last rank was that of a medical Brigadefuehrer in Hannover.

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There I often met the then Chief of Staff of SA Lutze and carried on numerous confidential talks with him. From these personal conversations I know that Lutze was completely removed from any war propaganda whatsoever. He did not believe that it was the mission of the SA to be trained in a military fashion or even to make a militia of it. He always bluntly rejected any such thoughts."

COMMISSIONER TAYLOR: Is there any objection to the affidavit of Dr. Busse as submitted by the Defense ?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 39 for identification.

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Affidavit by Gerhard Pfahler. (40)

This affidavit shows that neither a spirit of agression in view of a war of agression nor one of intolerance existed in the SA. I quote: "Particularly significant of the attitude of the SA is the reaction to the Tyrol and Alsace-Lorraine question (among others also the declaration of Hitler after the Saar Plebiscite that now he had no further territorial claims on France); immediate and energetic prohibition of all discussions concerning Tyrolese and Alsacian questions wherever such discussions kindled up; emphasis of the fact that in this case the sacrifice was a foreign political one, that had to be made in any case for the sake of European peace. As a result all discussions of this topic ceased within a very short time.

2. My SA Fuehrers knew about me:

a. That in 1933 (as SA man but not as a Party member) I was threatened by Party members with dismissal from office and concentration camp detention while I was commissary school counsellor at the Paedagogic Academy in Frankfurt on Main, on the basis of a false report that had been made about me by Mrs. von Witzleben, whose superior I was. (Mrs. von Witzleben is today still principal of the Comenius School in Frankfurt.

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See enclosed report.)

b. That in 1935 as president of the University of Giessner I caused the downfall of the entire corrupt and rampant student leadership group (among them the head of students himself who was as SA Fuehrer.)

c. That, as co-editor of the magazine "Glaube & Volk in der Entscheidung" (Faith and a Nation in the Decisive Stage) (together with the Professors of Theology Borkamm and Haenchen-Giess and Gogarten and Bayer of Leipzig) and as author of the essay "Christian Responsibility",(1934 in its appendix among others the many unjust dismissals from office of decent men--"there are also Jews among them"--were branded as injustices) I was exposed to various animosities of individual party-members. The censorship office of the Reichs Office for the Promotion of German Literature (either of Goebbels or Rosenberg's Department) also forbade me any further collaboration.

d. That after the appearance of my book's first edition "Why Education in Spite of Inheritance ?" (Teubner, Leipzig 1935)the Office for Racial Policy of the NSDAP sent a negative criticism to all its branch offices of the Gaus.

e. That, on the occasion of a serious attack by the then DC-Bishop Dietrich of Darmstadt (directed to Gauleiter Sprogner) made on me as president of a university and on my school of theology, I succeeded in having the anonymity cleared up and replied in no uncertain terms ('the Bishop is a liar') to the Gauleiter and the Reichsministry of Science.

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In all these cases mentioned under "a" to "e" as known to my SA Fuehrers, no SA office ever tried ot interefere or called me to account by any reprimand reproach, warning or even threat.

In all this I have not only found again and again, within the SA and those of its fuehrers known to me, the expression of a decent and humane attitude, but above all also the recognition of the fact that the Party and its organizations did not represent a finished and complete setup with all its members directed towards a standard scheme and this a possibly criminal aim as seems to be represented again and again by the Nurnberg prosecution in a disastrous fashion, but rather a uniting of millions of Germans for the purpose of constructing a just social order of the nation; a uniting therefore, within which the large number of emembers of the most varicus relitious, social and professional origin alone placed upon each individual as task and law of action the fight within the Party."

MR. BARRINGTON: It is my submission that Part 2 of the Summary of No. 40 is entirely a question of an individual defense. It says "My SA Fuehrers knew about me": and then it gives five different things they knew about him personally. If this is simply meant to show what his subordinates had in the way of information to guide their own thoufhts its probative value is bery remote. I cbject to it because it seems to me it is merely personal defense of Gerhard Pfahler.

DR. ASCHENAUER: This affidavit is not a personal defense but it shows clearly what the attitude of the SA Leadership Group was to the questions now at issue before this Court. If the SA had been the terrorist organizations thaw it is supposed to have been and if it had involved the personal convictions and free will of its members, then Gerhard Pfahler would have had to be excluded from the SA. Therefore, this affidavit shows that the SA was not an organization that put compulsion on the personal convictions of its members but an organization in which every member could think and believe what he wished. In paragraph "d" we are shownthe broadminded attotide of the SA towards racial questions.

MR. BARRINGTON: I am sorry. Perhaps I was under a misunderstanding.

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Does part 2of this affidavit mean that the witness's superiors knew the following things about him. or his subordinates ?

DR. ASCHENAUER: His superiors.

MR. BARRINGTON: I was wrong then in saying subordinates. I withdraw m y objection.

COMMISSIONER TAYLOR: Let the affidavit be marked Allgemeine-SA No. 40 for identification.

Affidavit by Erich Maier-Stehle. (41)

The affidavit shows that the Supreme SA leadership protested against misleading and incorrect articles written on the tasks of the SA. It says :"I can only testify again and again that, wherever such misleading articles appeared, the surpreme SA leadership protested and very often reprimanded the author if he happendd to be a member of the SA. The columnists were instructed again and again to stop such things from happening if possible.
But as it always depended on the good-will of the editorial staff whether the articles submitted on a topic were handed to the SA consultant before publication or not, accidents, such as are now in 'evidence' before the Tribunal were never completely unavoidable for the Press consultant did not have a right of censorship."

MR. BARRINGTON: As it is already translated I have no objection but I submit that it has no probative value.

COMMISSIONER TAYLOR: The record will show the comment and objection of the proseuction.

DR. ASCHENAUER: May I also make a comment ? This affidavit was submitted in connection with the charge of the prosecution concerning the newspaper "The SA Man".
For this reason I should say that it has probative value.

MR. BARRINGTON: I agree with that but it seems that the affidavit only says that they objected to things which were not correct -it does not say what those things were.

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DR. ASCHENAUER: These criticisms and objections are in themselves very important for if the paper "The SA Man" had been a paper of the SA, then such objections would not have been made at all. These objections and criticisms prove that it was not an SA paper and that is the point which would refute the charge of the prosecution.

COMMISSIONER TAYLOR: The objections of the prosecution to the affidavit will be noted. Let the affidavit be marked Allgemeine-SA No. 41 for identification.

DR. ASCHENAUER: The next group of affidavits, Group E, concerns itself with the SA authorized by the Allied government in the Rhineland. This group includes only affidavit 42.

Affidavit by Otto Haag (42).

During the occupation of the Rhineland the SA was authorized by Allied troops in the Pfalz. This is shown by this affidavit from which I quote:

I, Otto Haag, Oberstrumfuehrer z. V., in the SA since January 1926 was present at the meetimg of the founding of the NSDAP and the SA of the Ortsgruppe (local chapter) of Landau. Henceforward all discussion evenings and meetingd had to be announced to the French liasison office 24 hours beforehand. His office was in the former District Command of Landau, Reiterstrasse. Up to 1928 I personally announced almost all meetings. All meetings were attended by a French supervision officer whose office was in Landau, 6 Rheinstrasse. Just as no prohibition or any complaint concerning the form or subject of the meetings was made on the part of this supervision officer, none whatsoever was also made by the occupation authorities.

COMMISSIONER: Any objection to this affidavit?

MR BARRINGTON: Yes, I object to that as being entirely irrelevant, and as being in fact an attempt to prejudge the question which is before the Tribunal itself.

DR. ASCHENAUER: I consider the Affidavit relevant because I had submitted to the Tribunal an affidavit concerning Inter-Allied Rhineland Commission which shows that the NSDAP and SA were granted authority for the district of Cologne. Here I am submitting a similar affidavit to show that they were authorized in the French zone of occupation. If the document is allowed for Cologne it should in my opinion also be allowed for this district.

MR BARRINGTON: Yes. I withdraw my objection. My copy here is a bit blurred- - I read January 1946 instead of January 1926. I withdraw my objection.

COMMISSIONER: Let the affidavit be marked Allgemeine-SA No. 42 for identification.

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DR. ASCHENAUER: The next group of affidavits says that the SA was not hostile to the church, and includes Affidavits 43 to 45, inclusive.

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Affidavit by Ernst Frenzel (43).

The SA was not hostile to the Church. I quote from the affidavit: I myself was Fuehrer of Brigade 44 in 1937 to 1939 in Eisenach in Thueringen and testify further, in lieu of oath, that in Eisenach a number of leading representatives of the Church Council of the Protestant Church of Theringen were SA men. At their head Bishop Sasse himself. His position as head of the Protestant Church in Thenringen was never thrown up to him as a reproach. As a simple SA man he participated in every SA duty. Quite a number of employees of the Prtestant Church Council of Thueringen in Eisenach were SA men. partly Sturmfuehrer, without their ever being reproached for their religious attitudes.

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Affidavit by Oskar Roth (44).

The same as above applies to the non-hostile church attitude of the SA in Hessia.

I quote from the affidavit: I received knowledge of the orders issued by the Chief of Staff and by the Supreme SA leadership in my capacity as Fuehrer of Standarte 98 as well as in my capacity as member of the Staff of Group Hessia. These orders never demanded resignation of Church memberships or any other measures against the church. It was left to each SA man personally to decide on his attitude towards the church. No difficulties were caused to Church members. As far as I know clergy who were in office belonged to the SA in the Group Hessia.

MR BARRINGTON: I have no objection to 43 or 44.

COMMISSIONER: Let the affidavit of Ernst Frenzel as submitted be marked Allgemeine- SA No. 43 for identification.

The affidavit of Oskar Roth, as submitted, will be marked for identification Allgemeine-SA No. 44.

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DR. ASCHENAUER: Then affidavit No. 45.

Affidavit by Hans Wiegand (45):

The course at the leader training schools of the supreme SA leadership was opposed to the withdrawal of church membership of its men. I quote from the affid affidavit:

In about July 1938 I was ordered to take part in a course of the leader

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training school of the Supreme SA leadership school in Dresden. During one of th the discussion evenings a fellow student asked about the position of the SA in church questions. Above all he wanted to know what attitude the SA took to withdrawal of church membership. The answer of the teacher (name unknown) as SA Oberfuehrer was in effect, as follows:

In principle the SA did not interfere in things that did not concern her. The reason why more and more people left the church were various ones. A main reason seemed to be that it was a fashionable illness at present. This is not desired by the SA and, therefore, is not supported by the SA. If we were going to be questioned on this subject as SA Fuehrer, we should draw the attention of that group of men that seemed to have been taken this illness to the fact that it would be better to have them reconsider what they are going to do a thousand rather than a hundred times. Untimate bindings to the Church and her teachings are usually deeper than the individual will often admit and probably often does not recognize beforehand. For this very reason we, as SA men, had to advise against leaving the Church.

MR BARRINGTON: No objection to 45.

COMMISSIONER: The affidavit of Hans Riegand is marked Allgemeine-SA No.45 for identification.

DR. LOEFFLER: (Entering the room) . . . Colonel Neave told me that if you finish here we should take up the SA Riding Corps.

DR. ASCHENAUER: The SS have a few more affidavits to submit.

DR. LOEFFLER: We have already had our case, and have only a few supplements to make.

COMMISSIONER: How many have they?

DR. LOEFFLER: How many have they?

DR. LOEFFLER: About 10 to 15 supplements, and will take about 45 minutes.

COMMISSIONER: Do you know whether the prosecution has been advised?

DR. LOEFFLER: I told Colonel Neave, yes; or agreed with him that I would han these in if this was finished here. This also concerns the SA.

COMMISSIONER: We will take it up after we close this hearing.

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DR. ASCHENAUER: There arises a technical difficulty as far as consecutive

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translation has gone. There is a translation of the appendix and of the last few affidavits that have been submitted, 8 or 9 affidavits in between have not been translated. Shall they be translated here orally now?

COMMISSIONER: Yes. Let's get it into the record.

DR. ASCHENAUER: That is, affidavits numbers 47 to 64 inclusive.

MR BARRINGTON: Have we had No. 46?

COMMISSIONER: Not yet. 46 has not yet been taken.

DR. ASCHENAUER: No. 46 is in Group "G"; and 47 to 64 have not been translated.

Group "G" treats of the SA men and SA fuehrer - that they could not know of events in the concentration camps. Shall they be translated orally now?

Affidavit of George Stalling (46).

Concentrarion Camp Hohenstein. I quote from the affidavit: I was summoned by the saxon Prime Minister, SA Oberngruppenfuehrer von Kollinger, to take up investigations concerning events and excesses toward the prisoners in the concentration camp Hohenstein. The camp was erected by the State in 1933 and handed over to the SA for guarding and administration. Arrest, however, could only be carried out by the police authorities, authorized to do so. Various inmates of the camps were severely maltreated by the guards. I did not learn of this until 1935 during the trial before the District Court in Dresden. I don't remember the crimes in detail but still know exactly that they had not been ordered by the SA Leadership. They were the work of the political leadership in Saxony. I can further testify truthfully that Obergruppenfuehrer von Killings who lived in rather tense relationship with the political leaders of Saxony, handed the matter over via the Supreme SA Leadership to the regular courts when he was informed of the excesses in Camp Hohenstein. He made the SA administration and guards responsible and had legal investigations made which resulted in severe penal sentences for the SA men and fuehrer. As far as I remember the camp commandant, SA Obersturmbamfuehrer Jaennige, received a sentence of six years' penal servitude, and his representative Oberstumfuehrer Friedrich four years. The Court files of District Court Dresden give proof of this.

COMMISSIONER: Any objection to this affidavit?

MR BARRINGTON: No, no objection to it.

COMMISSIONER: Let the affidavit of George Stalling be marked Allgeneine-SA

No. 46 for identification.

COMMISSIONER: I understand you have 55 affidavits all together, is that righ

DR. ASCHENAUER: There are 73 in all, including the ones we took yesterday.

COMMISSIONER: 73 in all. That means how many more to submit?

DR. ASCHENAUER: 47 to 64 have not been translated yet.

COMMISSIONER: I think you told me yesterday you only had 55.

DR. ASCHENAUER: 55 more. We had 18 yesterday. We have 55 more affidavits. of this 55 we have taken 28.

COMMISSIONER: Go ahead and give us no 47.

DR. ASCHENHAUER: No. 47 by Ernst Frenzel (Thueringen). I quote from the affidavit: Within the sector of Thueringent group there was the Concentration Camp Buchenwald. The SA was never called upon to have a hand in the erection or guarding of this concentration camp. On the contrary, every SA man and every SA fuehrer was strictly forbidden to enter Concentration Camp Buchenwald. The SA was never permitted to carry out any single arrest, to say nothing of handing people over to the Concentration Camp.

MR BARRINGTON: No objection.

COMMISSIONER: Let the affidavit be marked Allgemeine-SA No 47 for identification.

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DR. ASCHENAUER: Affidavit No. 48 submitted by Hans Zoeberlein (Oberbayern). It speaks of the inspection of the concentration camp Dachau and of having the impression that everything was quite in order there. I quote from the affidavit: In England there is an organization of veterans of the first world war called the British Legion. The chairman of this Legion travelled at the invitation of the German Front Soldiers organization in Germany in May 1935. At the reception in the Town Hall in Munoch, where I sat next to Federston Godley he said to a question of mine concerning any further wishes of the delegation. "The English press writes that we will be showing everything in Germany but not the Concentration Camp Dachau." I reported this to the Bavarian Minister of the Interior Gauleiter Wagner, who was present, and from him got yhe permission for an immediate visit of the delegation to the Concentration Camp Dachau. We left immediately. The English delgation and I as the sole companion in order to reachhDachau as a surpris

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and before the other guests. There the guard had not as yet been informed of our authorized visit, the camp commandant had to be called first and was surprised when I presented to him the written permission of the Minister of the Interior for this sudden visit that had not been announced. The English guests asked for complete freedom of movement without being accompanied by anyone in the camp. And also to be able to ask questions of the inmates of the camp. This was allowed and the guards inside the camp were recalled, and only the outer guards were still left. I was quite surprised about this magnaninity of the camp commandant, because this was the very first time I myself was in Dachau, about which I had heard the most contradictory things. The first building that the Englishmen wanted to visit was the kitchen, which, because it was Sunday afternoon, was closed. The head of the kitchen, who was called, then showed us a modern kitchen with cooking and frying installations, the butchery in which were slaghtered calves, pigs, and parts of cattle. . . .

MR BARRINGTON: May I interrupt. I don't see what this has got to do with the SA.

COMMISSIONER: I think it is all surplus so far, and I don't think it is material to the defense. I don't see why you want that summary in the record. It is not a summary, and is immaterial, in my opinion.

DR. ASCHENAUER: In my opinion this affidavit is material because I show in this affidavit that although the prosecution says conditions as they were in the SA should have been known to individuals and groups, the higher leadership groups did everything in their power to deceive individuals and groups concerning true conditions in the concentration camps; and referring to the order of the 13th of March 1946, paragraph 6a, No. 3, I believe that this affidavit is material. I should like to call to your attention that yesterday the affidavit that I submitted by Houssler concerning non-knowledge of conditions in concentration camps was allowed me by the Prosecution.

COMMISSIONER: What year does he make his affidavit; what year does he refer to?

DR ASCHENAUER: 1935.

MR BARRINGTON: What Dr. Aschenauer says may be all right, but it does not appear from the affidavits so far that they were trying to deceive the SA -- they were trying to deceive the leaders of the British Legion.

DR. ASCHENAUER: That may be true in part, but in this case the British Legion

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was the guest of the SA, and was introduced to Dachau.

COMMISSIONER: How much more is there to that summary, please?

DR. ASCHENAUER: About ten more lines.

COMMISSIONER: Go ahead and complete it, then.

DR ASCHENAUER: There were refrigerators in the room. Next to this were pantries with the sausage rooms and refrigerators. Guests tasted the various kinds of sausages and interested themselves in the smallest details of the prisners' diet. They wrote down and made notes of the size of the servings and the weight, and everything and leter assured, or made certain, that the suppers that had been distributed were of the same good quality as the samples that they had taken in the kitchen. The guests took their tasks very seriously. Of course they asked the prisoners repeatedly about their opinions concerning food, and so they talked among themselves and said that no complaints had been made contrary to the claims in the press. After the kitchen was inspected the newly erected workers workshop was inspected. This was a building that had been supplied with numerous machines necessary for carpentry and mechanical workshop.

COMMISSIONER: Dr. Aschenauer, let me ask you this question. Does your summary follow the same form of proof that you have so far submitted?

DR. ASCHENAUER: There are some things concerning work.

COMMISSIONER: Did they visit any of the cells or persons, that would be material here to the defense. So far what you have said here in this long extended summary is not material, is not necessary to the defense of the organization.

DR ASCHENAUER: The whole camp was visited and inspected; also as well as the individual cells where inmates were quartered. This man is not a lawyer, and only a lawyer can be expected to write an affidavit. . . .

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COMMISSIONER: I didn't ask that. That is all superfluous; and it is not necessary for you to make explanations about the affiant's ability as a lawyer. You are supposed to have your affidavits properly prepared to submit to the Commission, in summarized form.

DR. ASCHENAUER: As far as I know, as refers to Group 2 we are not allowed to present the affidavits in a summarized form, but we are supposed to quote excerpts and passages, and I have to present them verbatim. Summary affidavits are only allowed as applies to affidavits which are to be submitted for translation.

COMMISSIONER: I am sure you misunderstood what the Commission has said to you. The Commission advises that you submit the affidavit, and be prepared to give the Commission a summary of the affidavit. In other words, the contents of the affidavit in summarized form. Here you dictated practically the entire affidavit. If you have any more of them it is advised that you follow Colonel Neave's suggestion on the submission of them to the Commission. But you may go ahead with these now.

DR. ASCHENAUER: .....Work was voluntary but the barracks were not sufficient to take up all those looking for work. A communist known to me by the name of Freiberger from Munich was head of the workshops. He admitted that aside from the fact that he did not have any personal liberty he did not miss anything in the camp. On Sundays there was no work. Then we went to the cells of the inmates, that is, to the special department of those habitual criminals who were kept in detention, who were quartered according to categories, one might say. First those who had committed crimes of lust, thieves, deceivers, burglars and drunkards. When the individual persons were asked concerning their puhishments, it was shown that they had been previous offenders, 20 to 60 times, for the same offenses. One of the guests said to me that he quite understood such separation of such criminals, and said that that also should be done in England. In Camp No.2, the Concentration Camp proper, there were the political prisoners separate from the other inmates.

DR. ASCHENAUER: I withdraw Affidavit No. 49.

COMMISSIONER: Let the affidavit, which you just read, be marked Allgemeine-SA No.48 for identification. And the objections of the prosecution to the affidavit will be noted.

H1061-0113

For the purpose of the record, Dr. Aschenauer, was the underscoring appearing in pencil and red pencil inserted by the defense counsel after the affidavits were executed?

DR. ASCHENAUER: The underscorings are made by myself.

COMMISSIONER: I just wanted it shown in the record.

DR. ASCHENAUER: I withdraw No.49, affidavit by Werner Stoehr. I shouldlike to suggest that we continue this tomorrow because I have to go now to a document discussion or conference. Then the rest can be translated in the meantime.

COMMISSIONER: How many more affidavits are there?

DR. ASCHENAUER: About 19 more.

COMMISSIONER: Let me make this announcement. That the Tribunal has requested that we complete these affidavits by Wednesday of next week, and unless the defense attorneys have their affidavits in proper form ready to submit so that we can complete, it will be impossible for the Commission to proceed. We can't just drag along from day to day and keep continuing the presentation of these affidavits.

DR. ASCHENAUER: I t would only mean one day.

COMMISSIONER: Let the record show that Dr. Aschenauer requested that he be permitted to withdraw from the hearing of these affidavits at this time, and upon his own request the Commission grants permission.

DR. ASCHENAUER: And when shallwe continue?

COMMISSIONER: Should the Commission have time to receive and hear the rest of the affidavits the Commission will notify you.

DR. ASCHENAUER: Then I shouldlike to withdraw my application. And I should like the Commission to declare a recess so that I may inform the people in the Document Conference that I shall not be present.

COMMISSIONER: Very well, the Commission recesses for ten minutes.

* * *

DR. ASCHENAUER: This next Group "H" concerns itself with the 9th of November, 1938.

The first affidavit No.51 was submitted by Eugen Dietrich of Stuttgart. I quote from the affidavit:

I know that each Fuehrer of a SA unit was informed as to the order of the Chief of Staff prohibiting any one to take action against the Jews as of the 9th and 10th of November, 1938.

MR. TAYLOR: Any objection to the affidavit?

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No.51 for identification.

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DR. ASCHENAUER: The next affidavit, No.51, was submitted by Emil Dern of Aachen. I quote from the affidavit:

In the same day an order of the Chief of Staff, Lutze, was handed out by telephone that it was strictly and most severely forbidden to participate in excesses against the Jews and Jewish property. Two or three days later two SA members are supposed to have taken part privately on an attack on a Jewish store. They were sturmfuehrer Katzgrau and Obertruppfuehrer Cremer. At the order of the brigade they were arrested immediately and handed over to the SD and their expulsion from the SD was applied for and both of them were thereupon expelled from the SA. I do not know, however, whether they were punished further

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No.51 for identification.

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DR. ASCHENAUER: Affidavit No. 52 by Hermann Schaefer. I quote from the affidavit:

On the 9th of November 1938 I was in the town hall in Munich, where I, as always, had to see that the broadcast apparatus that had been set up there was all right. In the course of the evening some of the gauleiters were called to the telephone. It was then that it became known that in various localities excesses against the Jews had been reported. Several higher SS Fuehrers had surrendered and the then Chief of the Staff of the SA, Viktor Lutze, I heard Lutze say: "I do not want any SA men to take part in these things, that they are unpopular and hurt the reputation of the SA."

MR. BARRINGTON: No objection.

H1061-0115

MR. TAYLOR: Let the affidavit be marked SA No.52 for identification.

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DR. ASCHENAUER: I withdraw affidavit No.53 by Oskar Roth.

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BY DR. ASCHENAUER: The next group of documents, Group I, concerning SA and Jewery.

Affidavit No. 54 by Arthur Ringleb and I quote from the affidavit:

In the years 1934 and 1935 SA Standarte Neumarkt was strictly forbidden to prevent the population from buying in Jewish shops and from photographing purchasers and so on. The prohibition was exactly adhered to by the SA and other organizations. At assembly the attention of the SA man was repeatedly drawn to this order. I also remember that one of the SA men of the SA leadership was reported and punished with a prison sentence, because in spite of this prohibition of his SA Fuehrer he had sritten on the wall of a Jewish firm the word "Jewish Knave", because he had spoken to a Jew. He was sentenced by the court Newmarkt to temporary imprisonment.

MR. TAYLOR: Are there any objections to the affidavit?

MR. BARRINGTON: No.objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 54 for identification.

DR. ASCHENAUER: I withdraw affidavits No. 55 and No. 56.

DR. ASCHENAUER: The next affidavit, No. 57, Wilhelm Soehlmann of Hannover; I quote from the affidavit:

I do not want to refrain from mentioning that both before and after the seizure of power in 1933, the mobs and crowds in the larger cities broke window panes and looted stores. As concerns my standartenbereich in Hannover, I declared that upon the request of the owners the following stores and department stores were protected by means of having day and night watches that were carried out by SA men drawn up in front of them: (The stores are here named) Some of these I further declare that the owner has turned to me and asked me to protect their business houses. After law and order had returned the SA guards were withdrawn. The owners of the firms expressed their thanks to me by giving me some purchase checks for SA men who were in dire financial straits for the protection he had

H1061-0116

H1061-0117

received.

MR. TAYLOR: Is there any objection to the affidavit?

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 57 for identification.

DR. ASCHENAUER: The next affidavit by Dr. Richard Dederer of Wuerttemberg, I quote from the affidavit.

I never received any written or oral order of the SA that called upon us in any form to carry on acts of force or excesses against the Jews. Later in November, 1938, when excesses against Jewish firms occurred in Stuttgart, the SA was employed for the maintenance of order and the prevention of further lawlessness. Perhaps at that time the fact of their presence might have lead erroneously to the idea that they had been concerned. If an individual member did take part in the thing, the leadership disapproved of this severely. As far as I know no order for participation was given by the SA leadership in the burning of synagogues that I considered especially damaging. If an individual SA man did take part it was most severely condemned and forbidden by the Fuehrer of the Group Southwest, Obergruppenfuehrer Ludin of Stuttgart. I know this from members of the staff, especially mentioning the name of the Standartenfuehrer von Kittlitz, who was interned in Befehl at that time and who should have known of such an order, thanks to his position on the staff.

MR. BARRINGTON: Did any of these recent affidavits say against whom the SA had been taking any shots?

DR. ASCHENAUER: Against the mob and against the crowd. I submitted an affidavit yesterday to prove that in Berlin it was the Chinese communists who looted the store.

MR. BARRINGTON: Is it stated in these particular affidavits, especially the Hannover one, No. 57?

DR. ASCHENAUER: Yes, the mob and the street crowds.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 58 for identification.

DR. ASCHENAUER: The next group, Group K, says that there were orders within the SA to prevent the damaging or destroying of religious cultural objects.

Affidavit No. 59 is by Phillip Rolf of Oesterrich and I quote from the affidavit:

After the annexation of Austria to Germany we were informed daily or over a longer period of time, and officially before we returned to Austria, that among other punishments, that a sentence was placed on damaging or destroying religious cultural objects.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 59 for identification.

DR. ASCHENAUER: Group L concerns itself with compulsory membership or the impossibility of withdrawing from the SA.

Affidavit No. 60 of Moritz Kahle of Frankfurt and Berlin, and I quote from the affidavit:

In order to adhere to this wish to some degree I entered the newly founded sport department of the sport group Charlottenburg in July 1933, to which I had belonged since 1921 as an ordinary member and which was in July, 1933, taken over by the SA and called the Sport Sturm. I removed to Frankfurt on the Main and the local SA demanded that I enter the party. I refused and at the same time applied for my withdrawal from the SA but my application was not granted.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 60 for identification.

DR. ASCHENAUER: Affidavit No. 61 is by Dr. Karl Hauser of Gauting. I quote from the affidavit.

It was impossible to withdraw from the SA. One could only ask to be released. Such a request could only be based on reasons of health and with having too much work to do within the

H1061-0118

party, for instance as political leaders, as the head of the local farm association and as mayor and so on. Any one who tried to withdraw for philosophical reasons placed himself in the greatest danger. In 1934 a few young people who had asked to be released from the SA for reasons of conscience were slandered in the newspaper, the SA man, and as far as I remember they were also threatened. In any such case any officer would have had to become involved in an official procedure against him. If any one based his application for dismissal on his health he had to present a doctor's certificate. In such cases he was not always dismissed but only given leave. At any rate he was looked at askance and had to count on considerable disadvantages.

MR. BARRINGTON: Does this man say in his affidavit how he is in a position to know these things?

DR. ASCHENAUER: Yes, he himself was taken over by the SA from the Steel Helmet, but he himself did not remain in the SA reserve but was taken over by the SA and had to remain in it and was unable to leave. He was at the same time a civil servant and for this reason he would be qualified to speak of any threatening official procedure against such persons.

MR. BARRINGTON: Is that all in the affidavit?

DR. ASCHENAUER: Yes.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 61 for identification.

DR. ASCHENAUER: The next group, Group M, concerns itself with affidavits concerning the SA physicians' organization.

Affidavit No. 62 is by Dr. Guenther Happel of Frankfurt, and states that the SA doctors did not act

H1061-0119

H1061-0120

against humanity. I quote from the affidavit:

I do not know to what extent euthanisia was carried out during and befor the war, a subject which was very lively debated and discussed in medical circles at home and abroad. At any rate no order to this effect was sent to the regular physicians and also not to the SA physicians, and in foreigners camps, the health of which was very often in the hands of SA physicians, were taken care of just as well as the German ones without regard for race or origin. There were even voices to be heard within the German workers groups that maintained that the foreigners were being treated better. The X-ray experiments that were carried out over a period of years were also carried ou on the foreign workers as well as on the German ones. Proof of this can be given at anytime. In one large engine works of the German railroads that I took care of and in which there were continually 1500 laborers quartered, only three people dies within a period of three years. Among them was a Polish woman who was 84 years old, who was given her bread to eat and never asked to do any work. No single case of any epidemic disease occurred in these years.

MR. TAYLOR: Is there any objection or comment on the affidavit?

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 62 for identification.

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DR. ASCHENAUER: Affidavit No. 63 is by Dr. Wilhelm Szyska of Schweinfurt, and concerns itself with the work of the SA physicians which was purely welfare work and unpolitical and I quote from the affidavits:

The work of the medical fuehrer was purely welfare and non-political in character. It consisted in the examination and medical care of SA members, that is, only within the SA service, not in the civilian life, in having physicians employed during assemblies and during sport occasions, further, in the teaching of first aid and in the training of suitable men as first aid men. Besides this we were also employed in catastrophies for the general public, the occasions of conflagration, floods, railroad accidents, and also

H1061-0121

against humanity. I quote from the affidavit:

I do not know to what extent euthanisia was carried out during and befor the war, a subject which was very lively debated and discussed in medical circles at home and abroad. At any rate no order to this effect was sent to the regular physicians and also not to the SA physicians, and in foreigners camps, the health of which was very often in the hands of SA physicians, were taken care of just as well as the German ones without regard for race or origin. There were even voices to be heard within the German workers groups that maintained that the foreigners were being treated better. The X-ray experiments that were carried out over a period of years were also carried ou on the foreign workers as well as on the German ones. Proof of this can be given at anytime. In one large engine works of the German railroads that I took care of and in which there were continually 1500 laborers quartered, only three people dies within a period of three years. Among them was a Polish woman who was 84 years old, who was given her bread to eat and never asked to do any work. No single case of any epidemic disease occurred in these years.

MR. TAYLOR: Is there any objection or comment on the affidavit?

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 62 for identification.

* * * * * * * *

DR. ASCHENAUER: Affidavit No. 63 is by Dr. Wilhelm Szyska of Schweinfurt, and concerns itself with the work of the SA physicians which was purely welfare work and unpolitical and I quote from the affidavits:

The work of the medical fuehrer was purely welfare and non-political in character. It consisted in the examination and medical care of SA members, that is, only within the SA service, not in the civilian life, in having physicians employed during assemblies and during sport occasions, further, in the teaching of first aid and in the training of suitable men as first aid men. Besides this we were also employed in catastrophies for the general public, the occasions of conflagration, floods, railroad accidents, and also

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all powers of jurisdiction could only be exercised over the subordinate physicians, no penal jurisdiction at all. The medical cannot be considered equal in rank to the Einsatz fuehrer. The undersigned and the witnesses mentioned can testify for 129 physicians who did not and say they never carr out any kind of political activity.

The welfare character of their work is also shown from the securing of blood donors organizations from the ranks of the SA, which was then placed at the disposal of the general public, all hospitals and military hospitals and proved exceptionally beneficial. For the support of these physicians and of the medical service, sometimes medical storms were created that also had to carry out only purely medical work.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 63 for identification.

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DR. ASCHENAUER: Next is Group N of Affidavits, concerning the disciplinary regulations of the SA submitted by the Prosecution.

Affidavit No. 64 by Julius Ruttkowsky of Koblenz, Chief of the Court of the Supreme SA Leadership. I quote from the affidavit:

As responsible head of the SA disciplinary jurisdiction (in representati since 1940 and definitely since April, 1941) I had as well as Chief of Staff, Lutze, who died on the 2nd of May, 1943, and also from his successor Schepmann received the instruction to carry out disciplinary proceedings completely objectively without regard for the person against criminal, dishonorable or anti-disciplinary elements.

These directives were exactly adhered to and controlled by the court of the Supreme SA Fuehrer, as well also by the subordinate courts of the groups.

While up to the year 1939 no codified regulations concerning proceedings or law were available and the proceedings were rather carried on according to general directives and regulations as well as on a basis of general service regulations, the newly founded SA trial procedure and the complaint procedure formed since 1939 the procedure and legal basis for all trials.

H1061-0123

According to this, the SA did not have any possibility to prosecute delinquents of any kind juridicially, as for example could be done by the SS and Police Courts or to a certain extent by the labor service. SA jurisdicti as explained below, only appeared in a subsidiary or secondary manner.

While lighter cases that could lead either to a simple or stricter warni because of opposition to discipline or offense against law and order and coul be punished by the Fuehrers of the units, all cases that could lead to the expulsion or penal dismissal from the SA were tried before group courts or the courts of the supreme SA Fuehrer.

The group court was competent for all cases against SA men and Fuehrer up to the rank of Haupttruppfuehrer; the court of the highest SA Fuehrer was competent for all cases from sturmfuehrer on and upwards. There was a possibility of appeal to the decision of the group courts by handing them on to the courts of the supreme SA Fuehrer. This latter possibility was done away with during the war because of the lack of personnel occasioned by the war.

The decisions made by the group courts, or by the court of the highest SA Fuehrer, became effective during the extent of the war, while in normal times they would have to be sunmitted by the judge for confirmation to the Fuehrer or the chief of staff.

Applications for making up any procedure had to be made by the judge, that is by the Fuehrer of the group or the chief of staff to the competent court.

If such an application had been received, the execution of the proceedin was taken out of the hands of the judge so that the court would be in a position to carry out the proceedings objectively and make legal decitions. According to paragraph 15 of the SA court procedure, the decision could be as follows: (1) a simple reprimand, (2) strict reprimand, (3) arrest, (4) penal dismissal from the SA, (5) expulsion from the SA.

After the SA court procedure came into effect, the sentencing by the arrest was immediately forbidden again as this form of punishment was against the character of the SA.

While a sentence for expulsion from the SA had as a condition dishonorabl

H1061-0124

behaviour of the defender, this was not necessary for a penal dismissal. For example, concerning more serious offenses against law and order. Expulsion of penal dismissal from the SA had to take place if (1) a valid sentence of the party courts was at hand that had sentenced the person to be removed from the party, or (2) a valid sentence of an ordinary court, of a martial court or an administrative court, and if the case was one of dishonarary behaviour. If the latter was doubtful, the court of the supreme SA Fuehrer had to make the decision to which the courts of the group were bound.

A valid and close proceeding could be taken up again in behalf of as well as against the person convicted if after the passing of sentence undisputed facts became known that necessitated a change of sentence.

Re-admission to the SA of a person who had been legally expelled from th SA could only be carried out by applying for pardon to the chief of staff.

SA Fuehrer and men, who had been convicted according to the penal files of the competent prosecutor's office because of dishonorary behaviour, had to be removed from the SA by the proper personnel division after hearings by the SA courts.

A considerable restriction in SA jurisdiction took place in 1944 by reason of the instructions of the party chancellery (Reichsleiter Bormann) according to which expulsion or penal dismissal from the SA could only be carried out if the party courts had previously decided

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this on the basis of the evidence at hand and had passed sentence to remove the defendant from the Party.

This regulation was the predecessor of the final cancellation of the entire chain of jurisdiction as intended by Reichsleiter Bormann and as has been repeatedly and clearly expressed. By means of the strict, but just handling of SA court measures, the removal of criminal or unclean characters from the SA was secured and the possibility of offense was restricted to the humanly least possible degree.

There was a possibility of appeal, according to the appeal regulation against disciplinary decisions of the unit leaders, when lighter offenses against disciplinary decisions of the unit leaders, when lighter offenses against discipline and orders were concerned to the next high disciplinary superior. The procedure for such an appeal was regulated in the appeal regulations.

MR. BARRINGTON: I want a strong objection to that. It seems to me that the last paragraph of page 1 is not relevant. Nobody is going to contest such an organization as the SA, and nobody did contest their very stringent measures and it was by means of these stringent measures they kept unclean persons out of the SA.

DR. ASCHENAUER: I am not quite of the same opinion, because referring to the trial brief of the Prosecution the SA courts had been entirely misrepresented and misunderstood and confused with penal courts and for this reason I have to submit the evidence concerning the whole legal build up within the SA, as this could only be done by such a man as Julius Ruttkowsky, who was head chief of the disciplinary division. This misunderstanding is brought out by all the charges made by the Prosecution and it has to be cleared up and the disciplinary regulations or jurisdiction of the SA must be explained, for it might also be that the Prosecution has put all disciplinary regulations at its disposal. This is merely and purely a counter or refutation of the charge of the

H1061-0126

Prosecution. Ruttkowsky could not be heard as a witness, and, therefore, the affidavit must be submitted.

MR. BARRINGTON: I don't want to argue about it, and if Dr. Aschenauer wants it, I will pass on the objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 64 for identification.

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DR. ASCHENAUER: Group O of affidavits concerns the charge of the prosecution about the relationship of the Hoheitsraeger and the SA.

The first affidavit, No. 65, is by Karl Siebel, from which I quote:

The Hoheitstraeger had the possibility to call upon the SA essentially for the following services: (a) The preparation and organizing of the execution of assemblies and rallies; (b) Employment in catastrophy services: forest fires, floods, traffic accidents, life-saving on the mountains and seas; (c) harvest help; (d) Procuring of blood donors; (e) Assisting in welfare collections;(f) Prevention of damages, patrol services for the prevention of fires of crops, combatting with the potato bug, beetles and other animal parasites in wood and field; (g) Collection of salvage material and raw materials that could be utilized; (h) Soliciting for the Hitler Scholarships, vacation for workers free of charge; (i) Community work in the construction of buildings, useful to the community; settlements of war veterans and SA settlements; (k) Retraining of unemployed and disabled SA men and other Germans to be employed in jobs where there was a lack of skilled labor; SA auxiliary work camps, (l) Participating in meetings of the Ortsgruppen.

3. The employment of the SA was applied for except for Ortsgruppen meetings at the office of the local competent SA Fuehrer. As a rule, the decision as to employment had at least to be made by the leader of a Standarte. In this connection he was bound to the general principles and orders

of the Supreme SA leadershippas applicable to the SA.

4. The SA was expressly prohibited to carry out any collective action that did not fall within the directives and orders issued by the supreme leadership SA on the one hand and valid laws on the other hand. This prohibition concerning voluntary actions was strictly adhered to. Any violations were either judged by the ordinary courts or the SA disciplinary courts according to the extent of the offense.

5. As far as the above statements contradict the Organization Book of the NSDAP it can be said that the Organization Book was in practice used not at all or very little as a guide, neither by the political leadership nor by the affiliated organizations. It was considered a thesis. It was in no case termed binding for the SA. Example on page 356. (or 358) it says under the heading of "Tasks of the SA"; The SA is the training and educating instrument of the NSDAP. True it is, that each part of the Party seen as a whole had retained its own training and educational system. True it is, that the editor of the Organization Book, Dr. Ley, as well as his staff did not dream of making the SA the training and the educational instrument of the Party as a whole. Dr. Ley and his collaborators even refused any participation of the SA concerning the training institute immediately under their jurisdiction. (Ordenstragen, Labor Front, later, also work groups.)

MR. BARRINGTON: No objection to No. 65.

MR. TAYLOR: Let the affidavit be marked General SA No. 65 for identification.

MR. BARRINGTON: Who is Karl Siebel ?

DR. ASCHENAUER: He was a high ranking brigade fuehrer.

MR. BARRINGTON: Ihave no objection to No. 65.

MR. TAYLOR: No. 65 has been marked, do you have a No. 66 ?

DR. ASCHENAUER: Yes.

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H1061-0127

H1061-0128

DR. ASCHENAUER: I next submit group of affidavits SA and SD- Prohibition of Chief of Staff (SA) for SA members, to work for the SD.

The first one is affidavit No. 66 by Eugene Dietrich of Wurttemberg- Stuttgart, and I quote from this affidavit:

I also know for sure that a prohibition issued by the Chief of Staff of SA, to work for the SD existed. This prohibition applied to the entire SA Standarte 119, to which I belonged, and demanded withdrawal from the SA if the prohibition was not adhered to.

MR. BARRINGTON: I have no objection to No. 66.

MR. TAYLOR: Let the affidavit be marked General SA No. 66 for identification.

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DR. ASCHENAUER: The next group, Group Q, says that the SA is politically unreliable.

The affidavit is No. 67 by Henrich Uhlenbrock, and I quote from the affidavit:

f. When the Volksturm was drawn up the Fuehrers (of companies and platoons) were not taken from the SA because it was not considered reliable.

MR. BARRINGTON: I have no objection to No. 67.

MR. TAYLOR: Let the affidavit be marked General SA No. 67 for identification.

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DR. ASCHENAUER: The next group of affidavits, Group 4, concerns the employment of the SA not in the sense of an aggressive war, but rather in rendering assistance during catastrophies.

Affidavit No. 68 was given by Hans Hack of Kuenruth and Karlrushe, and I quote from the affidavit:

No mention was ever made of any preparation for a war of aggression. Our unit practiced a lot for the prevention of forest fires, flood damages, etc. We were actively em-

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ployed during the railway accident 37/38 between Karlsruhe and Mannheim, where the storm helped in the salvage work of the many casualties as well as in clearing aside the debris.

Our storm was also used during the threat of floods of the Rhine near Karlsruhe. This troop saw to the evacuation of the threatened houses and the salvaging of cattle and objects that had been washed ashore.

Further employment took place on estates and farms during harvest times. The storm was also used several times to assist in the building of settlements and emergency homes. Much help was given in Karlsruhe in connection with air-raid damages caused.

H1061-0130

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 68 for identification.

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DR. ASCHENAUER: Now we come to Division III, the appendix or supplement.

The first affidavit, No. 69 is by Hans Wendel.

Topic: The SA believed in the preservation of peace in August 1939. In the affidavit it says:

"During my military service I received an invitation as SA Fuehrer to the Tannenburg celebration that had been planned for the end of August. A large number of former Tannenburg veterans from the Reich came together with their wives. They were quartered in a camp of tents under the charge of former Brigadefuehrer Fank near Tannenburg. All participants in the celebration were completely surprised by the outbreak of war, preparations for immediate removal of these people had not been made. I myself saw part of them in the Lake Steamer Station at Pillan without food and quarters before any possibility of transport to the Reich could be found for them, because substitutes for the ships seized by the Navy first had to be found. Preparation for the celebration had been carried out in their entirety because nobody had counted on the possibilities of war."

MR. BARRINGTON: I would like to make some comment. Nobody suggests that the SA had not actually been engaged in the details of planning for a celebration, but I won't object to it.

DR. ASCHENAUER: The essentials in this document is the fact that they did take part in the preparation for the Tannenburg Festival proved that they did not have any idea that a war was threatening.

MR. TAYLOR: Let the comments be noted and the affidavit be marked No. 69 for identification.

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MR. ASCHENAUER: Affidavit No. 70 by Julius Ruttkowsky:

Topic: 9th of November, 1938, punishment and expulsion of SA men.

H1061-0131

In the affidavit it says:

According to a statement of the Fuehrer of the group, Lutze, too, chief of staff, disapproved of the undertaking. SA steps were to be taken against SA Fuehrer and men, whose participation in the action had been proved and who had been sentenced by special or regular courts. I remember that in connection with these measures a number of SA Fuehrer and men were removed from the SA.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 70 for identification.

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DR. ASCHENAUER: Affidavit No. 71 by Hermann Fiebing: and I quote from theaffidavit:

Topic: Measures and behavious of Chief of Staff, Lutze, as senior president of Hanover, based on the 9th of November, 1938. It the affidavit it says:

From March until September, 1939, I was employed as Vice President at the Senior President's office in Hanover. Frome, Chief of Staff, Lutze, of the SA was senior president at that time. He called me up on the morning of the 9th or 10th of November, 1938, from Berlin, and voiced to me excitedly and argued his disapproval concerning the excesses against Jewish firms in the province of Hanover, and commissioned me particularly to investigate such a case in Wesemuendo personally. I went there immediately but was told there that the Gestapo had taken up investigation, and, thereupon demanded of the head of the Gestapo office that he hand over the material concerning events to me, referring to the personal request of Lutze to me. The head of the Gestapo office told me that he was not allowed to hand over the files in question to me by reason of a special order of his superior office, not even to the senior president. When I reported this, the S P was very much angered by this. He asserted that he would make use of all the influence at his command with the central office so as to bring about the conviction of those guilty in a regular trial.

MR. BARRINGTON: No objection.

MR. TAYLOR: Let the affidavit be marked General SA No. 71 for identification.

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DR. ASCHENAUER: Affidavit No. 72 is by Kurt Plesch, and in this affidavit, it says:

Concerning the night of the 9th of November 1938, Lutze said that he had neither ordered nor given his consent to the employment of the SA. After he had found out that instruction had been issued by Munich by means of various channels that could not be controlled, he had immediately ordered the Fuehrers of the groups, as far as they could still be reached, to assume a complete negative attitude to this action. He, Lutze, opposed these interferences, as he had always done, as being unworthy of Germans, and should have liked to save the SA from this folly, as far as they received orders contrary to his will.

MR. BARRINGTON: Affidavit No. 72 is cumulative of No. 71 and similar to one, as near as I recollect, we had earlierthis morning, No. 51 I believe it was.

MR. TAYLOR: Are they from the same town?

MR. BARRINGTON: They are all about Lutze and the Jewish excesses of the 9th and 10th of November, 1938.

DR. ASCHENAUER: They don't refer to the same town. No. 51 refers to Lutze and the order of Lutze in the town of Aachen. This affidavit No. 72 gives informa-

ation on the question and issue in Munich. This affidavit proves the counter order, while No. 71 speaks of Lutze's measures in the town of Hanover. Therefore, the objection that it is cumulative is not justified.

MR TAYLOR : Let the comments of the Prosecution as to the affidavit be noted, and let the affidavit be marked general SA No. 72 for identification.

DR. ASCHENAUER : Affidavit No. 73 is by Dr. Bruno Backhaus :

Topic : Punishment of SA men in Bielefeld for disturbing Jewish church services and removing cultural objects. In the declaration it says :

1. In the Jewish question too any application of force was rejected by my offices. When several SA men were induced by other persons who were not members of the SA, to have a hand in the disturbance of the Jewish church service in the Catholic parish house in Bielefeld 1935, I myself carried out the investigations to clarify the events and was finally supported by Party offices in my investigations. Besides, the SA men were punished within the scope of his official duty by the competent SA Fuehrer.

2. When gravestones were removed from Jewish graves, as far as I remember in 1935, in Vlotho, the SA men concerned were also called upon to answer the charges of their fuehrer. Here too, sentencing took place in closest collaboration with the state penal organs similar to the cases described above in Bielefeld.

3. I also never heard that in matters of religious force on compulsion of conviction was resorted to. While I was government counsellor in Bumbinnen I carried out investigations

in a proceeding in which S.. men had taken part in the

(left blank by interpreter) at the behest of a third party, to such an extent that he had removed crosses and plants from graves in a protestant cemetery without having first spoken to one of the competent church superintendents there, or without having received any other permission to do so. The offenders were punished as was also the S.. man by his S.. Obergruppenfuehrer Schoene. The cemetary had to be put in order again by those concerned.

I myself never resigned church membership. This did not cause me any disadvantage in the S.. I was rather promoted up to Hauptsturmfuehrer and for a time lead a Standarte during the war, without having ever been asked to withdraw from the church. I further found that the majority of Fuehrers and men in my S.. units belonged to the church.

MR. BARRINGTON : No objection.

MR. TAYLOR : The affidavit will be marked General S.. No. 73 for identification.

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DR. ASCHENAUER : The next affidavit is No. 74 by Dr. Curt Carrie :

Topic : Compulsion exerted on physicians. In this affidavit it says :

In the course of 1933, we doctors who did not belong to the party to the greatest extent, finally had to put our services at the disposal of one of the organizations, at the request of the civic government. Refusal would have meant loss of position. (Proof : Dr. Latten, former assistant physician at the surgical clinic) All my colleagues of the municipal hospitals of Duesseldorf (medical academy) therefore had to join one of these organizations as physicians.

Proof of the fact of how unpolitical we were though,

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is given in that the physicians of the SS were transferred to the NS Transport Corps or to the Hitler Youth, or other formations according to the demand for doctors.

MR. BARRINGTON : No objections.

MR. TAYLOR : Let the affidavit be marked SS No. 74 for identification.

(The Commission adjourned at 1315 hours)

The foregoing is a true and correct transcript of Affidavits submitted by Dr. ASCHENAUER, taken on 25 July 1946.

Horsor A. Lesser
Reporter

Biossi
Reporter

Cook
Reporter

CERTIFIED TO :

Geo R. Taylor
Commissioner.